

SENATE BILL 271

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E4

2002 Regular Session
2lr1108
CF 2lr1107

By: **Anne Arundel County Senators**
Introduced and read first time: January 23, 2002
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 13, 2002

CHAPTER 142

1 AN ACT concerning

2 **Correctional Services - Local Correctional Facilities - Inmate Welfare Funds**

3 FOR the purpose of ~~establishing~~ authorizing the establishment of an inmate welfare
4 fund in each local correctional facility; providing the authorized uses for the
5 ~~fund funds~~; providing for the contents of the ~~fund funds~~; providing for
6 expenditures from the ~~fund funds~~; defining a term; and generally relating to
7 inmate welfare funds in local correctional facilities.

8 BY adding to

9 Article - Correctional Services
10 Section 11-901 through 11-904, inclusive, to be under the new subtitle "Subtitle
11 9. Inmate Welfare Funds"
12 Annotated Code of Maryland
13 (1999 Volume and 2001 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Correctional Services**

17 **SUBTITLE 9. INMATE WELFARE FUNDS.**

18 11-901.

19 IN THIS SUBTITLE, "FUND" MEANS AN INMATE WELFARE FUND ESTABLISHED
20 UNDER § 11-902 OF THIS SUBTITLE.

1 11-902.

2 (A) ~~THERE IS EACH LOCAL CORRECTIONAL FACILITY MAY ESTABLISH AN~~
3 ~~INMATE WELFARE FUND IN EACH LOCAL CORRECTIONAL FACILITY.~~

4 (B) A FUND MAY BE USED ONLY FOR GOODS AND SERVICES THAT BENEFIT
5 THE GENERAL INMATE POPULATION AS DEFINED BY REGULATIONS THAT THE
6 ~~SECRETARY MANAGING OFFICIAL OF THE LOCAL CORRECTIONAL FACILITY~~ ADOPTS.

7 11-903.

8 (A) (1) EACH FUND IS A SPECIAL CONTINUING, NONLAPSING FUND ~~THAT IS~~
9 ~~NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

10 (2) (I) EACH FUND CONSISTS OF:

11 1. PROFITS DERIVED FROM THE SALE OF GOODS THROUGH
12 THE COMMISSARY OPERATION AND TELEPHONE AND VENDING MACHINE
13 COMMISSIONS; AND

14 2. SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,
15 MONEY RECEIVED FROM OTHER SOURCES.

16 (II) MONEY FROM THE GENERAL FUND OF THE STATE OR COUNTY,
17 INCLUDING ANY FEDERAL FUNDS, MAY NOT BE TRANSFERRED BY BUDGET
18 AMENDMENT OR OTHERWISE TO A FUND.

19 (3) ~~THE TREASURER~~ CHIEF FINANCIAL OFFICER FOR A COUNTY SHALL
20 SEPARATELY HOLD AND ~~THE FINANCIAL OFFICER FOR EACH COUNTY~~ SHALL
21 ACCOUNT FOR EACH FUND IN THE COUNTY.

22 (4) ~~NOTHING CONTAINED IN THIS SECTION MAY NOT BE CONSTRUED~~
23 TO:

24 (I) PROHIBIT A PERIODIC OR SPECIAL AUDIT BY ~~AN OFFICIAL~~
25 ~~AUDITOR OF ANY COUNTY PROVIDING THE STATE, THE FEDERAL GOVERNMENT, OR~~
26 A COUNTY THAT PROVIDES FUNDS FOR A LOCAL CORRECTIONAL FACILITY; OR

27 (II) AFFECT THE CALCULATION OF REIMBURSEMENT RATES, AS
28 PROVIDED IN § 9-403 OF THIS ARTICLE.

29 (B) (1) EACH FUND SHALL BE INVESTED AND REINVESTED IN THE SAME
30 MANNER AS OTHER COUNTY FUNDS.

31 (2) ANY INVESTMENT EARNINGS ~~ARE NOT A PART OF~~ OF A FUND SHALL
32 BE CREDITED TO THE FUND.

1 11-904.

2 THE ~~COUNTY FINANCIAL OFFICER~~ CHIEF FINANCIAL OFFICER FOR THE
3 COUNTY SHALL PAY OUT MONEY FROM EACH FUND AS APPROVED IN THE COUNTY
4 BUDGET.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2002.