

SENATE BILL 461

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2003 Regular Session
3r0667
CF 3r1095

By: **Senator Colburn**

Introduced and read first time: January 31, 2003

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 12, 2003

CHAPTER 27

1 AN ACT concerning

2 **Dorchester County - Correctional Services - Inmate Welfare ~~Funds~~ Fund**

3 FOR the purpose of providing that the chief financial officer for Dorchester County or
4 the managing official of the local correctional facility as designated by
5 Dorchester County shall separately hold and account for the inmate welfare
6 fund; providing that the chief financial officer for Dorchester County or the
7 managing official of the local correctional facility as designated by Dorchester
8 County shall pay out money from the inmate welfare fund as approved in the
9 county budget; and generally relating to the inmate welfare fund in Dorchester
10 County.

11 BY repealing and reenacting, without amendments,
12 Article - Correctional Services
13 Section 11-901 and 11-902
14 Annotated Code of Maryland
15 (1999 Volume and 2002 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Correctional Services
18 Section 11-903 and 11-904
19 Annotated Code of Maryland
20 (1999 Volume and 2002 Supplement)

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

1 **Article - Correctional Services**

2 11-901.

3 In this subtitle, "fund" means an inmate welfare fund established under §
4 11-902 of this subtitle.

5 11-902.

6 (a) Each local correctional facility may establish an inmate welfare fund.

7 (b) A fund may be used only for goods and services that benefit the general
8 inmate population as defined by regulations that the managing official of the local
9 correctional facility adopts.

10 11-903.

11 (a) (1) Each fund is a special continuing, nonlapsing fund.

12 (2) (i) Each fund consists of:

13 1. profits derived from the sale of goods through the
14 commissary operation and telephone and vending machine commissions; and15 2. subject to subparagraph (ii) of this paragraph, money
16 received from other sources.17 (ii) Money from the General Fund of the State or county, including
18 any federal funds, may not be transferred by budget amendment or otherwise to a
19 fund.20 (3) (I) [The] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
21 PARAGRAPH, THE chief financial officer for a county shall separately hold and shall
22 account for each fund in the county.23 (II) THE CHIEF FINANCIAL OFFICER FOR DORCHESTER COUNTY OR
24 THE MANAGING OFFICIAL OF THE LOCAL CORRECTIONAL FACILITY AS DESIGNATED
25 BY DORCHESTER COUNTY SHALL SEPARATELY HOLD AND SHALL ACCOUNT FOR
26 EACH FUND IN DORCHESTER COUNTY.

27 (4) This section may not be construed to:

28 (i) prohibit a periodic or special audit by the State, the federal
29 government, or a county that provides funds for a local correctional facility; or30 (ii) affect the calculation of reimbursement rates, as provided in §
31 9-403 of this article.32 (b) (1) Each fund shall be invested and reinvested in the same manner as
33 other county funds.

1 (2) Any investment earnings of a fund shall be credited to the fund.

2 11-904.

3 (A) [The] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE
4 chief financial officer for the county shall pay out money from each fund as approved
5 in the county budget.

6 (B) THE CHIEF FINANCIAL OFFICER FOR DORCHESTER COUNTY OR THE
7 MANAGING OFFICIAL OF THE LOCAL CORRECTIONAL FACILITY AS DESIGNATED BY
8 DORCHESTER COUNTY SHALL PAY OUT MONEY FROM THE FUND AS APPROVED IN
9 THE COUNTY BUDGET.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2003.