

SENATE BILL 258

E4
SB 655/09 – JPR

3lr1554
CF 3lr2031

By: **Senator Shank**

Introduced and read first time: January 18, 2013

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Inmate Earnings – Compensation for Victims of**
3 **Crime**

4 FOR the purpose of adding a requirement that the Department of Public Safety and
5 Correctional Services pay compensation for victims of crime in accordance with
6 certain provisions to a list of deductions that the Department is required to
7 withhold from an inmate's earnings; requiring the Department to withhold a
8 certain amount of the earnings of an inmate in a certain program for
9 compensation for victims of crime; requiring the Department to allocate
10 earnings that are withheld in a certain manner; requiring the State Board of
11 Victim Services to distribute certain amounts to a certain person or
12 governmental unit; establishing that compliance with a judgment of restitution
13 is a required condition of work release if work release is allowed; applying
14 certain provisions relating to responsibility for the administration of payments
15 of restitution to the Department instead of to the Division of Parole and
16 Probation; requiring the Department to submit a certain report by a certain
17 date; altering the purpose of the State Victims of Crime Fund to include
18 distribution of certain restitution payments; and generally relating to
19 compensation for victims of crime.

20 BY repealing and reenacting, with amendments,
21 Article – Correctional Services
22 Section 11–604
23 Annotated Code of Maryland
24 (2008 Replacement Volume and 2012 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article – Criminal Procedure
27 Section 11–607 and 11–916
28 Annotated Code of Maryland
29 (2008 Replacement Volume and 2012 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Correctional Services**

4 11-604.

5 (a) The Department shall collect an inmate's earnings.

6 (b) From an inmate's earnings, the Department shall:

7 (1) reimburse the county or State for the cost of providing food,
8 lodging, and clothing to the inmate in a local correctional facility;

9 (2) pay court ordered payments for support of dependents; [and]

10 (3) pay court ordered payments for restitution; AND

11 (4) **PAY COMPENSATION FOR VICTIMS OF CRIME IN ACCORDANCE**
12 **WITH SUBSECTION (C) OF THIS SECTION.**

13 **(c) (1) OF THE EARNINGS OF AN INMATE IN THE PRIVATE**
14 **SECTOR/PRISON INDUSTRY ENHANCEMENT CERTIFICATION PROGRAM OF THE**
15 **UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE,**
16 **THE DEPARTMENT SHALL WITHHOLD 20% FOR COMPENSATION FOR VICTIMS OF**
17 **CRIME, IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROGRAM.**

18 **(2) (i) IF A COURT IN A CRIMINAL OR JUVENILE DELINQUENCY**
19 **PROCEEDING HAS ORDERED THE INMATE TO PAY RESTITUTION, THE**
20 **DEPARTMENT SHALL FORWARD THE 20% WITHHELD UNDER PARAGRAPH (1) OF**
21 **THIS SUBSECTION TO THE STATE VICTIMS OF CRIME FUND ESTABLISHED**
22 **UNDER § 11-916 OF THE CRIMINAL PROCEDURE ARTICLE.**

23 **(ii) THE STATE BOARD OF VICTIM SERVICES SHALL**
24 **DISTRIBUTE FROM THE STATE VICTIMS OF CRIME FUND ANY AMOUNT**
25 **RECEIVED UNDER THIS PARAGRAPH TO THE PERSON OR GOVERNMENTAL UNIT**
26 **SPECIFIED IN THE JUDGMENT OF RESTITUTION TO PAY THE RESTITUTION AS**
27 **REQUIRED UNDER § 11-607(B)(2) OF THE CRIMINAL PROCEDURE ARTICLE.**

28 **(3) IF THE INMATE IS NOT SUBJECT TO A JUDGMENT OF**
29 **RESTITUTION OR THE JUDGMENT OF RESTITUTION IS SATISFIED, OF THE**
30 **MONEY WITHHELD UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE**
31 **DEPARTMENT SHALL PAY:**

1 (i) shall keep records of payments or return of property in
2 satisfaction of the judgment of restitution;

3 (ii) shall forward property or payments in accordance with the
4 judgment of restitution and Part I of this subtitle to the person or governmental unit
5 specified in the judgment of restitution; and

6 (iii) may require the restitution obligor to pay additional fees not
7 exceeding 2% of the amount of the judgment of restitution to pay for the
8 administrative costs of collecting payments or property.

9 (c) (1) Whenever an obligor's restitution payment, as ordered by the court
10 or established by the [Division] **DEPARTMENT**, is overdue, the [Division]
11 **DEPARTMENT** or the Department of Juvenile Services shall:

12 (i) notify the court; and

13 (ii) if an earnings withholding order is not in effect and the
14 restitution obligor is employed, request an earnings withholding order.

15 (2) The court may hold a hearing to determine whether the restitution
16 obligor is in contempt of court or has violated the terms of the probation.

17 (3) If the court finds that the restitution obligor intentionally became
18 impoverished to avoid payment of the restitution, the court may find the restitution
19 obligor in contempt of court or in violation of probation.

20 11-916.

21 (a) There is a State Victims of Crime Fund.

22 (b) (1) The Fund shall be used to pay for:

23 (i) carrying out Article 47 of the Maryland Declaration of
24 Rights;

25 (ii) carrying out the guidelines for the treatment and assistance
26 for victims and witnesses of crimes and delinquent acts provided in §§ 11-1002 and
27 11-1003 of this title;

28 (iii) carrying out any laws enacted to benefit victims and
29 witnesses of crimes and delinquent acts; [and]

30 (iv) supporting child advocacy centers established under §
31 11-923(h) of this subtitle; **AND**

1 **(V) DISTRIBUTING RESTITUTION PAYMENTS FORWARDED**
2 **TO THE FUND UNDER § 11-604 OF THE CORRECTIONAL SERVICES ARTICLE.**

3 (2) The Fund may pay for the administrative costs of the Fund.

4 (c) The Board shall administer the Fund.

5 (d) Grants awarded by the Board shall be equitably distributed among all
6 purposes of the Fund described in subsection (b) of this section.

7 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Public
8 Safety and Correctional Services, in accordance with § 2-1246 of the State
9 Government Article, shall report to the Senate Judicial Proceedings Committee and
10 the House Judiciary Committee on or before December 1, 2013, on the payment of
11 restitution by inmates under its jurisdiction, addressing how the Department could
12 increase the collection of restitution, including by having additional inmates pay
13 toward restitution obligations through an annual transfer or other periodic transfer of
14 earnings.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2013.