
By: Senators Forehand, Ruben, Teitelbaum, Roesser, and Hogan

Introduced and read first time: February 2, 1996

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **County Detention Centers - Prisoners - Costs of Confinement**

3 FOR the purpose of authorizing a sheriff to seek reimbursement for certain expenses
4 incurred by the county in confining a prisoner in a detention center; providing that
5 the amount paid by the prisoner shall be determined by the sheriff based on certain
6 costs and certain time periods; requiring prisoners to submit financial statements
7 and to sign and attest to the accuracy of the statements; requiring prisoners to
8 disclose certain information; requiring a county to collect certain payments;
9 requiring a sheriff to refund certain funds under certain circumstances; authorizing
10 a county attorney to file a civil action under certain circumstances; requiring a civil
11 action to contain certain information; and generally relating to the assessment and
12 collection of the costs of confinement from a prisoner in a county detention center.

13 BY adding to

14 Article 87 - Sheriffs
15 Section 46A
16 Annotated Code of Maryland
17 (1995 Replacement Volume)

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

20 **Article 87 - Sheriffs**

21 46A.

22 (A) IN THIS SECTION, "SHERIFF" INCLUDES THE ADMINISTRATOR, DIRECTOR,
23 SUPERINTENDENT, WARDEN, OR OTHER OFFICER IN CHARGE OF A DETENTION
24 CENTER.

25 (B) A SHERIFF MAY SEEK REIMBURSEMENT FROM A PRISONER FOR ANY
26 EXPENSES INCURRED BY THE COUNTY IN CONFINING THE PRISONER IN A
27 DETENTION CENTER.

28 (C) THE AMOUNT A PRISONER PAYS SHALL BE:

29 (1) DETERMINED BY A SCHEDULE PREPARED BY THE SHERIFF AND
30 BASED ON:

2

1 (I) THE ACTUAL PER DIEM COST OF MAINTAINING THE PRISONER
2 FOR THE ENTIRE PERIOD OF TIME THE PERSON WAS CONFINED IN THE DETENTION
3 CENTER; AND

4 (II) INFORMATION THAT THE PRISONER SUBMITS IN ACCORDANCE
5 WITH SUBSECTION (D) OF THIS SECTION; AND

6 (2) ASSESSED IN ADDITION TO ANY OTHER PAYMENT OF FINES OR
7 RESTITUTION ORDERED BY A COURT.

8 (D) (1) A SHERIFF SHALL REQUIRE A PRISONER TO SUBMIT TO THE
9 SHERIFF A FINANCIAL STATEMENT.

10 (2) THE FINANCIAL STATEMENT SHALL REQUIRE A PRISONER TO
11 DISCLOSE THE PRISONER'S:

12 (I) AGE AND MARITAL STATUS;

13 (II) NUMBER AND AGES OF CHILDREN AND OTHER DEPENDENTS;

14 (III) OCCUPATION, PLACE OF EMPLOYMENT, AND SALARY;

15 (IV) ANNUAL INCOME;

16 (V) TYPE AND VALUE OF REAL ESTATE OWNED;

17 (VI) TYPE AND VALUE OF PERSONAL PROPERTY OWNED;

18 (VII) CASH AND BANK ACCOUNTS;

19 (VIII) TYPE AND VALUE OF INVESTMENTS; AND

20 (IX) PENSIONS AND ANNUITIES.

21 (3) THE PRISONER SHALL SIGN AND, UNDER PENALTY OF PERJURY
22 ATTEST TO THE ACCURACY OF THE FINANCIAL STATEMENT REQUIRED UNDER THIS
23 SUBSECTION.

24 (4) THE PRISONER MAY ATTACH A SUPPLEMENTARY STATEMENT TO
25 THE FINANCIAL STATEMENT THAT EXPLAINS WHY PART OR ALL OF THE ASSETS
26 SHOULD NOT BE USED TO PAY THE COSTS OF CONFINEMENT.

27 (E) (1) THE SHERIFF SHALL COLLECT THE PAYMENT IMPOSED UNDER
28 SUBSECTION (B) OF THIS SECTION.

29 (2) IF A CONVICTION IS FINALLY REVERSED, THE SHERIFF SHALL
30 REFUND ALL FUNDS COLLECTED UNDER THIS SECTION TO THE PRISONER.

31 (F) (1) IF A PRISONER FAILS TO SATISFY THE ORDER FOR PAYMENT UNDER
32 THIS SECTION, WITHIN 1 YEAR AFTER THE RELEASE OF THE PRISONER FROM A
33 DETENTION CENTER, THE COUNTY ATTORNEY MAY FILE A CIVIL ACTION AGAINST
34 THE PRISONER FOR THE AMOUNT DETERMINED UNDER SUBSECTION (C) OF THIS
35 SECTION.

36 (2) A CIVIL ACTION BROUGHT UNDER THIS SUBSECTION SHALL:

3

1 (I) BE FILED IN THE NAME OF THE COUNTY IN WHICH THE
2 DETENTION CENTER IS LOCATED;

3 (II) STATE THE LENGTH OF SENTENCE AND THE AMOUNT OF TIME
4 ACTUALLY SERVED; AND

5 (III) STATE THE AMOUNT DUE TO THE COUNTY UNDER
6 SUBSECTION (C) OF THIS SECTION.

7 (G) THIS SECTION DOES NOT PREVENT A CRIME VICTIM OR ANY OTHER
8 PERSON FROM OBTAINING OR EXECUTING ON A SEPARATE CIVIL JUDGMENT
9 AGAINST THE PRISONER.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 1996.