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

Introduced and read first time: February 2, 1996

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 6, 1996

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CHAPTER \_\_\_\_

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.

2

1 (B) A SHERIFF MAY SEEK REIMBURSEMENT FROM A PRISONER FOR ANY  
2 EXPENSES INCURRED BY THE COUNTY IN CONFINING THE PRISONER IN A  
3 DETENTION CENTER.

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

5 (1) DETERMINED BY A SCHEDULE PREPARED BY THE SHERIFF AND  
6 BASED ON:

7 (I) THE ACTUAL PER DIEM COST OF MAINTAINING THE PRISONER  
8 FOR THE ENTIRE PERIOD OF TIME THE PERSON WAS CONFINED IN THE DETENTION  
9 CENTER; AND

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

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

14 (D) (1) A SHERIFF SHALL REQUIRE A PRISONER TO SUBMIT TO THE  
15 SHERIFF A FINANCIAL STATEMENT.

16 (2) THE FINANCIAL STATEMENT SHALL REQUIRE A PRISONER TO  
17 DISCLOSE THE PRISONER'S:

18 (I) AGE AND MARITAL STATUS;

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

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

21 (IV) ANNUAL INCOME;

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

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

24 (VII) CASH AND BANK ACCOUNTS;

25 (VIII) TYPE AND VALUE OF INVESTMENTS; AND

26 (IX) PENSIONS AND ANNUITIES.

27 (3) THE PRISONER SHALL SIGN AND, UNDER PENALTY OF PERJURY  
28 ATTEST TO THE ACCURACY OF THE FINANCIAL STATEMENT REQUIRED UNDER THIS  
29 SUBSECTION.

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

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

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

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

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

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

9 (II) STATE THE LENGTH OF SENTENCE AND THE AMOUNT OF TIME  
10 ACTUALLY SERVED; AND

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

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

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