

SENATE BILL 461

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E4

2003 Regular Session  
3r0667  
CF 3r1095

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By: **Senator Colburn**

Introduced and read first time: January 31, 2003

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

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

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.

10 BY repealing and reenacting, without amendments,

11 Article - Correctional Services  
12 Section 11-901 and 11-902  
13 Annotated Code of Maryland  
14 (1999 Volume and 2002 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article - Correctional Services  
17 Section 11-903 and 11-904  
18 Annotated Code of Maryland  
19 (1999 Volume and 2002 Supplement)

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

22 **Article - Correctional Services**

23 11-901.

24 In this subtitle, "fund" means an inmate welfare fund established under §  
25 11-902 of this subtitle.

26 11-902.

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

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

4 11-903.

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

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

7 1. profits derived from the sale of goods through the  
8 commissary operation and telephone and vending machine commissions; and

9 2. subject to subparagraph (ii) of this paragraph, money  
10 received from other sources.

11 (ii) Money from the General Fund of the State or county, including  
12 any federal funds, may not be transferred by budget amendment or otherwise to a  
13 fund.

14 (3) (I) [The] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
15 PARAGRAPH, THE chief financial officer for a county shall separately hold and shall  
16 account for each fund in the county.

17 (II) THE CHIEF FINANCIAL OFFICER FOR DORCHESTER COUNTY OR  
18 THE MANAGING OFFICIAL OF THE LOCAL CORRECTIONAL FACILITY AS DESIGNATED  
19 BY DORCHESTER COUNTY SHALL SEPARATELY HOLD AND SHALL ACCOUNT FOR  
20 EACH FUND IN DORCHESTER COUNTY.

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

22 (i) prohibit a periodic or special audit by the State, the federal  
23 government, or a county that provides funds for a local correctional facility; or

24 (ii) affect the calculation of reimbursement rates, as provided in §  
25 9-403 of this article.

26 (b) (1) Each fund shall be invested and reinvested in the same manner as  
27 other county funds.

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

29 11-904.

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

33 (B) THE CHIEF FINANCIAL OFFICER FOR DORCHESTER COUNTY OR THE  
34 MANAGING OFFICIAL OF THE LOCAL CORRECTIONAL FACILITY AS DESIGNATED BY

1 DORCHESTER COUNTY SHALL PAY OUT MONEY FROM THE FUND AS APPROVED IN  
2 THE COUNTY BUDGET.

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