
By: **Chairman, Budget and Taxation Committee (By Request -
Departmental - Public Safety and Correctional Services)**

Introduced and read first time: January 15, 2004

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Corrections - Local Correctional Facilities - Financial Assistance for**
3 **Counties**

4 FOR the purpose of repealing the requirement that the State pay certain costs
5 relating to the construction of certain correctional facilities; authorizing a
6 county to apply for financial assistance for the construction of a new or enlarged
7 local correctional facility if the anticipated confinement of inmates serving
8 certain sentences would exceed certain capacity; repealing the requirement that
9 the Secretary of Public Safety and Correctional Services annually review certain
10 rates of growth relating to the number of inmates sentenced to a certain period
11 of confinement; and generally relating to local correctional facilities.

12 BY repealing and reenacting, with amendments,
13 Article - Correctional Services
14 Section 11-105
15 Annotated Code of Maryland
16 (1999 Volume and 2003 Supplement)

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

19 **Article - Correctional Services**

20 11-105.

21 (a) If the Secretary determines that the anticipated confinement of inmates
22 [in a county's local correctional facility as a result of the sentencing stipulation
23 effective on January 1, 1987,] WHO ARE SERVING SENTENCES OF NOT LESS THAN 6
24 MONTHS BUT NOT EXCEEDING 12 MONTHS IN A COUNTY'S LOCAL CORRECTIONAL
25 FACILITY would exceed the capacity of the local correctional facility, [the State shall
26 pay 100% of the costs listed under subsection (c) of this section] A COUNTY MAY
27 APPLY TO THE SECRETARY FOR FINANCIAL ASSISTANCE FOR THE CONSTRUCTION of
28 a new or enlarged existing local correctional facility.

1 (b) For the purpose of anticipating inmate confinement under subsection (a) of
2 this section, the Secretary annually shall review and study each county's local
3 correctional facility population in conjunction with data relevant to patterns of:

4 (1) sentencing; AND

5 (2) geographic distribution of inmates[; and

6 (3) the rates of growth in the number of inmates sentenced to not less
7 than 6 months but not exceeding 12 months:

8 (i) before January 1, 1987; and

9 (ii) on or after January 1, 1987].

10 (c) (1) Subject to the State budget appropriation process and in accordance
11 with this section, if a COUNTY APPLIES FOR FINANCIAL ASSISTANCE UNDER
12 SUBSECTION (A) OF THIS SECTION AND A county's construction plan is approved by
13 the Secretary under this section, the State shall pay all of the approved costs of
14 acquisition, construction, architectural and engineering services, and capital
15 equipment for:

16 (i) a new local correctional facility; or

17 (ii) enlargement of an existing local correctional facility.

18 (2) If a county's construction plan is disapproved by the Secretary, the
19 county may appeal to the Board of Public Works.

20 (3) Subject to the State budget appropriation process, if A COUNTY
21 APPLIES FOR FINANCIAL ASSISTANCE UNDER SUBSECTION (A) OF THIS SECTION AND
22 the Board of Public Works approves the construction plan, the State shall pay all of
23 the approved costs of acquisition, construction, architectural and engineering
24 services, and capital equipment for:

25 (i) a new local correctional facility; or

26 (ii) enlargement of an existing local correctional facility.

27 (d) The plans and costs for construction or enlargement of a local correctional
28 facility by a county under this section are subject to:

29 (1) the procedures followed by State units for requested capital projects;
30 and

31 (2) approval by the Secretary.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
33 effect October 1, 2004.