E4 6lr1743

By: Delegate Menes

Introduced and read first time: February 10, 2006

30 BY repealing and reenacting, with amendments,31 Article - Correctional Services

Assigned to: Judiciary

A BILL ENTITLED

Public Safety - Correctional Institutions - Inmate Telephone Con Welfare Funds FOR the purpose of prohibiting certain contracts that provide telephone service for inmates from providing for the State or local government to receive certain commissions or revenue in an amount greater than a certain percentage of the cost of the contract under certain circumstances; prohibiting the State or local government from receiving certain commissions or revenue in an amount greater than a certain percentage of the cost of certain contracts; requiring a certain reduction in charges for inmate telephone calls under certain circumstances; including investment earnings from an inmate welfare fund to be paid into the fund; providing that the money spent from a fund for goods and services to benefit the general inmate population of a correctional facility is supplemental to and not intended to take the place of money that would be otherwise appropriated for certain goods and services for the inmate population; providing for the application of this Act; and generally relating to inmate telephone service and welfare funds. BY adding to Article - Correctional Services Section 8-901 to be under the new subtitle "Subtitle 9. Inmate Telephone Contracts" Annotated Code of Maryland (1999 Volume and 2005 Supplement) BY repealing and reenacting, without amendments, Article - Correctional Services Section 10-502 Annotated Code of Maryland (1999 Volume and 2005 Supplement)		A BILL ENTITLED
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Section 10-503

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2 3	Annotated Code of Maryland (1999 Volume and 2005 Supplement)
4 5	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
6	Article - Correctional Services
7	SUBTITLE 9. INMATE TELEPHONE CONTRACTS.
8	8-901.
11	(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FOR ANY CONTRACT ENTERED INTO BY THE STATE OR LOCAL GOVERNMENT WITH A TELECOMMUNICATION SERVICE PROVIDER TO PROVIDE TELEPHONE SERVICE FOR INMATES:
	(1) THE CONTRACT MAY NOT PROVIDE FOR THE STATE OR LOCAL GOVERNMENT TO RECEIVE ANY COMMISSION OR OTHER FORM OF REVENUE GREATER THAN 5% OF THE COST OF THE CONTRACT; AND
	(2) THE STATE OR LOCAL GOVERNMENT MAY NOT RECEIVE ANY COMMISSION OR OTHER FORM OF REVENUE GREATER THAN 5% OF THE COST OF THE CONTRACT.
21	(B) FOR ANY REDUCTION IN THE COST OF A CONTRACT DESCRIBED IN SUBSECTION (A) OF THIS SECTION, THE STATE OR LOCAL GOVERNMENT SHALL ENSURE THAT THE REDUCTION IS REASONABLY REFLECTED IN THE CHARGES FOR INMATE TELEPHONE CALLS.
23	10-502.
24	(a) There is an inmate welfare fund in each State correctional facility.
25 26	(b) A fund may be used only for goods and services that benefit the general inmate population as defined by regulations that the Department adopts.
27	10-503.
28 29	(a) (1) Each fund is a special continuing, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.
30	(2) (i) Each fund consists of:
31 32	1. profits derived from the sale of goods through the commissary operation and telephone and vending machine commissions; [and]
33	2. INVESTMENT EARNINGS FROM THE FUND; AND

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- 1 3. subject to subparagraph (ii) of this paragraph, money 2 received from other sources. 3 (ii) Money from the General Fund of the State may not be 4 transferred by budget amendment or otherwise to a fund. The Treasurer shall separately hold and the Comptroller shall 6 account for each fund. Each fund is subject to an audit by the Office of Legislative Audits 7 (4) 8 under § 2-1220 of the State Government Article. (b) (1) Each fund shall be invested and reinvested in the same manner as 10 other State funds. 11 (2) Any investment earnings [are not a part of] SHALL BE PAID INTO the 12 fund. 13 MONEY EXPENDED FROM THE FUND FOR GOODS AND SERVICES THAT (C) 14 BENEFIT THE GENERAL INMATE POPULATION IN A CORRECTIONAL FACILITY IS 15 SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT 16 OTHERWISE WOULD BE APPROPRIATED FOR GOODS AND SERVICES THAT BENEFIT 17 THE GENERAL INMATE POPULATION IN THE CORRECTIONAL FACILITY. 18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be 19 construed to apply only prospectively and may not be applied or interpreted to have 20 any effect on or application to any contract for telephone service entered into before 21 the effective date of this Act.
- 22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect