

SENATE BILL 655

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9lr1870
CF 9lr2455

By: **Senator Stone**

Introduced and read first time: February 6, 2009

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services - Inmate Earnings - Compensation for Victims of**
3 **Crime**

4 FOR the purpose of adding to a list of deductions that the Department of Public Safety
5 and Correctional Services is required to take from an inmate's earnings a
6 requirement that the Department pay compensation for victims of crime in
7 accordance with certain provisions; requiring the Department to withhold a
8 certain amount of the earnings of an inmate in a certain program for
9 compensation for victims of crime; requiring the Department to allocate
10 earnings that are withheld in a certain manner; establishing that compliance
11 with a judgment of restitution is a required condition of work release if work
12 release is allowed; applying certain provisions relating to responsibility for the
13 administration of payments of restitution to the Department instead of to the
14 Division of Parole and Probation; requiring the Department to submit a certain
15 report by a certain date; and generally relating to compensation for victims of
16 crime.

17 BY repealing and reenacting, with amendments,
18 Article - Correctional Services
19 Section 11-604
20 Annotated Code of Maryland
21 (2008 Replacement Volume and 2008 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Criminal Procedure
24 Section 11-607
25 Annotated Code of Maryland
26 (2008 Replacement Volume)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Correctional Services

11-604.

(a) The Department shall collect an inmate's earnings.

(b) From an inmate's earnings, the Department shall:

(1) reimburse the county or State for the cost of providing food, lodging, and clothing to the inmate in a local correctional facility;

(2) pay court ordered payments for support of dependents; [and]

(3) pay court ordered payments for restitution; **AND**

(4) PAY COMPENSATION FOR VICTIMS OF CRIME IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

(c) (1) OF THE EARNINGS OF AN INMATE IN THE PRIVATE SECTOR/PRISON INDUSTRY ENHANCEMENT CERTIFICATION PROGRAM OF THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, THE DEPARTMENT SHALL WITHHOLD 20% FOR COMPENSATION FOR VICTIMS OF CRIME, IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROGRAM.

(2) IF A COURT IN A CRIMINAL OR JUVENILE DELINQUENCY PROCEEDING HAS ORDERED THE INMATE TO PAY RESTITUTION, THE DEPARTMENT SHALL FORWARD THE 20% WITHHELD UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE PERSON OR GOVERNMENTAL UNIT SPECIFIED IN THE JUDGMENT OF RESTITUTION.

(3) IF THE INMATE IS NOT SUBJECT TO A JUDGMENT OF RESTITUTION OR THE JUDGMENT OF RESTITUTION IS SATISFIED, OF THE MONEY WITHHELD UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL PAY:

(I) 50% INTO THE CRIMINAL INJURIES COMPENSATION FUND ESTABLISHED UNDER § 11-819 OF THE CRIMINAL PROCEDURE ARTICLE; AND

(II) 50% INTO THE STATE VICTIMS OF CRIME FUND ESTABLISHED UNDER § 11-916 OF THE CRIMINAL PROCEDURE ARTICLE.

[(c)] (D) The Department shall:

1 (1) credit to the inmate's account any balance that remains after
2 paying the items in subsection (b)(1) through (3) of this section; and

3 (2) pay the balance in the inmate's account to the inmate within 15
4 days after the inmate is released.

5 Article – Criminal Procedure

6 11–607.

7 (a) (1) When a judgment of restitution has been entered under § 11–603
8 of this subtitle, compliance with the judgment of restitution:

9 (i) may be a requirement in the judgment of conviction or
10 disposition in a juvenile delinquency proceeding;

11 (ii) if work release is ordered **OR ALLOWED**, shall be a condition
12 of work release;

13 (iii) if probation is ordered, shall be a condition of probation:

14 1. in addition to a sentence or disposition; or

15 2. instead of a sentence if the probation is ordered before
16 judgment under § 6–220 of this article.

17 (2) Subject to federal law, the Department or the Department of
18 Juvenile Services shall obtain the Social Security number of the restitution obligor to
19 facilitate the collection of restitution.

20 (b) (1) The restitution obligor shall make restitution to the [Division]
21 **DEPARTMENT** or the Department of Juvenile Services under the terms and
22 conditions of the judgment of restitution.

23 (2) The [Division] **DEPARTMENT** or the Department of Juvenile
24 Services:

25 (i) shall keep records of payments or return of property in
26 satisfaction of the judgment of restitution;

27 (ii) shall forward property or payments in accordance with the
28 judgment of restitution and Part I of this subtitle to the person or governmental unit
29 specified in the judgment of restitution; and

30 (iii) may require the restitution obligor to pay additional fees not
31 exceeding 2% of the amount of the judgment of restitution to pay for the
32 administrative costs of collecting payments or property.

1 (c) (1) Whenever an obligor's restitution payment, as ordered by the court
2 or established by the [Division] **DEPARTMENT**, is overdue, the [Division]
3 **DEPARTMENT** or the Department of Juvenile Services shall:

4 (i) notify the court; and

5 (ii) if an earnings withholding order is not in effect and the
6 restitution obligor is employed, request an earnings withholding order.

7 (2) The court may hold a hearing to determine whether the restitution
8 obligor is in contempt of court or has violated the terms of the probation.

9 (3) If the court finds that the restitution obligor intentionally became
10 impoverished to avoid payment of the restitution, the court may find the restitution
11 obligor in contempt of court or in violation of probation.

12 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Public
13 Safety and Correctional Services, in accordance with § 2-1246 of the State
14 Government Article, shall report to the Senate Judicial Proceedings Committee and
15 the House Judiciary Committee on or before December 1, 2009, on the payment of
16 restitution by inmates under its jurisdiction, addressing how the Department could
17 increase the collection of restitution, including by having additional inmates pay
18 toward restitution obligations through an annual transfer or other periodic transfer of
19 earnings.

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2009.