

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 772

(Senators Mooney and Brinkley)

Judicial Proceedings

Frederick County - Adult Detention Center - Fees

This bill increases the maximum fees that may be charged for medical and dental visits for individuals incarcerated in the Frederick County Adult Detention Center. The fees must be deducted from an inmate's account maintained by the detention center's managing official at a rate of \$8 for each visit to an institutional medical unit and \$35 for each visit to an institutional dentist. The bill also authorizes the Frederick County Sheriff to charge a reasonable fee of up to \$10 for each individual processed into the county detention center and for each incarcerated individual for each day of incarceration. The sheriff may also charge a reasonable administrative fee of up to \$25 for each individual participating in a general educational development program at the detention center. A juvenile may not be charged such an administrative fee.

If a negative balance exists in the inmate's account, the fees may be collected from any additional money that may be paid into the account. If the inmate is released from incarceration and fees are still owed, the sheriff may bill the inmate or collect from an inmate's new account if reprocessed into the detention center.

Fiscal Summary

State Effect: None.

Local Effect: Frederick County revenues increase by approximately \$240,000 annually. Fee collections can be handled with existing budgeted resources.

Small Business Effect: None.

Analysis

Current Law: The governing body of each county must establish a reasonable fee, not to exceed \$4, for each visit by an inmate in a local correctional facility to an institutional medical unit or noninstitutional physician, dentist, or optometrist. The per-visit fee must be deducted from an inmate's spending financial account, reserve financial account, or similar account held by the managing official on behalf of the inmate. The fees collected must be deposited in the county's general fund.

These requirements do not apply to a visit by an inmate to a medical unit or a physician, dentist, or optometrist if the visit is:

- required as a part of the intake process;
- required for an initial physical examination;
- due to a referral by a nurse or physician's assistant;
- provided during a follow-up visit that is initiated by a medical professional from the local correctional facility;
- initiated by a medical or mental health staff member of the local correctional facility; or
- required for necessary treatment.

Background: The Frederick County Sheriff's Office operates a work-release program under which the sheriff must collect the earnings of an inmate in the program, less required payroll deductions. From the inmate's earnings is deducted the cost to the county for food, lodging, and clothing for the inmate; the actual cost of necessary food and travel and other expenses incidental to the inmate's participation in the program; any amount a court imposes for a fine, cost, or restitution; any amount that the inmate is legally obligated or reasonably desires to pay for support of a dependent; and, if applicable, any amount that a court orders the inmate to repay to the State or to the county for the services of an attorney appointed by the court. The sheriff must credit to the inmate's account the remaining balance and dispose of the balance in the inmate's account as the inmate reasonably requests and as the sheriff approves.

Local Revenues: Frederick County estimates that, based on current standing inmate population, the bill could generate \$1.2 million or more, annually. However, assuming the fee is collected in about 20% of cases, county revenues would increase by approximately \$240,000 annually. No additional resources are needed to track, assess, or collect the fees.

Additional Information

Prior Introductions: None.

Cross File: Although identified as a cross file, HB 583 is not identical.

Information Source(s): Frederick County, Department of Legislative Services

Fiscal Note History: First Reader - February 26, 2010
mpc/hlb

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