

# SENATE BILL 910

E4, L6

2lr3160  
CF 2lr2196

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By: **Senators Raskin and Gladden**

Introduced and read first time: February 9, 2012

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Inmate Welfare Fund – Telephone Financial**  
3 **Assistance**

4 FOR the purpose of requiring the managing official of a local correctional facility with  
5 an inmate welfare fund to adopt regulations that require a portion of the profits  
6 derived from telephone commissions to be used for telephone calls that take  
7 place between an inmate and the minor child of an inmate; requiring that  
8 distributions be made according to the financial need of an inmate; and  
9 generally relating to inmate welfare in local correctional facilities.

10 BY repealing and reenacting, without amendments,  
11 Article – Correctional Services  
12 Section 11–901, 11–903, and 11–904  
13 Annotated Code of Maryland  
14 (2008 Replacement Volume and 2011 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Correctional Services  
17 Section 11–902  
18 Annotated Code of Maryland  
19 (2008 Replacement Volume and 2011 Supplement)

20 Preamble

21 WHEREAS, The maintenance of family ties during imprisonment is essential to  
22 the health and well-being of both inmates and the children of inmates; and

23 WHEREAS, Inmate contacts with their children are encouraged for the positive  
24 purpose of inmate rehabilitation; and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, Inmate–family communication policies demonstrate the value the  
2 State places on the preservation of the family unit and the continuation of  
3 parent–child contact; and

4 WHEREAS, A minor child of an inmate may experience severe isolation and  
5 loneliness without regular contact with an incarcerated parent; now, therefore,

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

8 **Article – Correctional Services**

9 11–901.

10 In this subtitle, “fund” means an inmate welfare fund established under §  
11 11–902 of this subtitle.

12 11–902.

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

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

17 **(c) (1) THE MANAGING OFFICIAL OF A LOCAL CORRECTIONAL**  
18 **FACILITY WITH AN INMATE WELFARE FUND SHALL ADOPT REGULATIONS THAT**  
19 **REQUIRE A PORTION OF THE PROFITS DERIVED FROM TELEPHONE**  
20 **COMMISSIONS THAT ACCRUE TO THE FUND UNDER § 11–903 OF THIS SUBTITLE**  
21 **TO BE USED FOR TELEPHONE CALLS THAT TAKE PLACE BETWEEN AN INMATE**  
22 **AND THE MINOR CHILD OF AN INMATE.**

23 **(2) FUNDING THAT IS ALLOCATED FOR THE PURPOSE SET FORTH**  
24 **IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE DISTRIBUTED BASED ON THE**  
25 **FINANCIAL NEED OF AN INMATE.**

26 11–903.

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

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

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

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

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

6                                   (3)    (i)     Except as provided in subparagraph (ii) of this paragraph,  
7 the chief financial officer for a county shall separately hold and shall account for each  
8 fund in the county.

9                                   (ii)    The chief financial officer for Dorchester County or the  
10 managing official of the local correctional facility as designated by Dorchester County  
11 shall separately hold and shall account for each fund in Dorchester County.

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

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

15                                   (ii)    affect the calculation of reimbursement rates, as provided in  
16 § 9–403 of this article.

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

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

20 11–904.

21                                  (a)     Except as provided in subsection (b) of this section, the chief financial  
22 officer for the county shall pay out money from each fund as approved in the county  
23 budget.

24                                  (b)     The chief financial officer for Dorchester County or the managing official  
25 of the local correctional facility as designated by Dorchester County shall pay out  
26 money from the fund as approved in the county budget.

27                                  SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2012.