

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 1147
Judiciary

(Delegate Valentino-Smith, *et al.*)

Correctional Services - Inmate Welfare Fund - Telephone Financial Assistance

This bill requires the managing official of a local correctional facility with an inmate welfare fund to adopt regulations that require a portion of the profits derived from telephone commissions that accrue to the fund to be used for telephone calls that take place between an inmate and the minor child of an inmate. The bill specifies that distributions must be made according to the financial need of an inmate.

Fiscal Summary

State Effect: None. The bill addresses telephone commissions at local correctional facilities only.

Local Effect: The bill is likely to present some operational and administrative difficulties in most jurisdictions. However, to the extent that an inmate welfare fund currently exists within a county, local correctional officials should be able to implement the bill's requirements with existing resources. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Current Law: Chapter 142 of 2002 authorized the establishment of an inmate welfare fund in each local correctional facility. Each fund is a special continuing, nonlapsing fund that may be used only for goods and services that benefit the general inmate population, as defined by regulations adopted by the managing official of each facility. Each fund consists of profits derived from the sale of goods through the commissary

operation and telephone and vending machine commissions and money received from other sources.

Money from the State general fund or a county's general fund, including any federal funds, may not be transferred by budget amendment or otherwise to a county's inmate welfare fund.

The county's chief financial officer is required to separately hold and account for each fund. Each fund is required to be invested and reinvested in the same manner as other county funds. Any investment earnings of a fund must be credited to the fund. The county chief financial officer is required to pay out money from each fund as approved by the county budget. In Dorchester County, pay outs may also be done by the managing official of the local correctional facility.

Local Fiscal Effect: In 2012, the Maryland Correctional Administrators Association (MCAA) surveyed local correctional facilities regarding inmate telephone commissions and whether the profits from the commissions are deposited to an inmate welfare fund, a general fund, or another fund. Sixteen of the 23 counties responded, with 11 showing deposits to an inmate welfare fund. Ten of the jurisdictions reported sending 100% of profits to an inmate welfare fund (Allegany, Caroline, Dorchester, Garrett, Harford, Queen Anne's, St. Mary's, Talbot, Washington, and Wicomico counties). Five jurisdictions reported sending 100% of profits to the general fund (Baltimore, Calvert, Carroll, Charles, and Prince George's counties). Frederick County reported a 50/50 share between the general fund and an inmate welfare fund. It is possible that some of the jurisdictions not responding to the MCAA survey also have inmate welfare funds.

Montgomery County indicates that it is the only county in the State that accepts no commissions for its inmate telephone program. Under the bill, Montgomery County and any other county without an inmate welfare program would not have a fund to draw upon to be used for telephone calls that take place between an inmate and the minor child of an inmate.

According to MCAA, the bill would present some operational and administrative difficulties for correctional facilities in most jurisdictions. However, to the extent that an inmate welfare fund currently exists within the county, local correctional officials should be able to implement the bill's requirements with existing resources. For example, Harford County reported that the bill will have no fiscal impact on the jurisdiction.

Additional Information

Prior Introductions: None.

Cross File: SB 910 (Senators Raskin and Gladden) - Judicial Proceedings.

Information Source(s): Harford, Montgomery, and Prince George's counties; Maryland Correctional Administrators Association; Department of Legislative Services

Fiscal Note History: First Reader - February 27, 2012
ncs/hlb

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