E4, L6, P1 3lr2567 CF SB 778

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Introduced and read first time: February 8, 2013

Assigned to: Judiciary

AN ACT concerning

1

A BILL ENTITLED

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

- 4 FOR the purpose of requiring the Department of Public Safety and Correctional 5 Services to adopt certain regulations regarding the use of profits derived from 6 telephone commissions; requiring that certain commissions be used for 7 telephone calls between an inmate and the minor child of an inmate; requiring 8 that distributions be made according to the financial need of an inmate; 9 requiring the Department to submit a report with certain information to the General Assembly; requiring the Legislative Auditor to audit the accounts, 10 transactions, and expenditures of each Inmate Welfare Fund; and generally 11 12 relating to inmate welfare in correctional facilities.
- 13 BY repealing and reenacting, without amendments,
- 14 Article Correctional Services
- 15 Section 10–501 and 10–504
- 16 Annotated Code of Maryland
- 17 (2008 Replacement Volume and 2012 Supplement)
- 18 BY repealing and reenacting, with amendments,
- 19 Article Correctional Services
- 20 Section 10–502 and 10–503
- 21 Annotated Code of Maryland
- 22 (2008 Replacement Volume and 2012 Supplement)
- SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 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 1 2 10-501.3 In this subtitle, "fund" means an inmate welfare fund established under § 10–502 of this subtitle. 4 10-502.5 6 (a) There is an inmate welfare fund in each State correctional facility. A fund may be used only for goods and services that benefit the general 7 inmate population as defined by regulations that the Department adopts. 8 9 (C) **(1)** THE DEPARTMENT SHALL ADOPT REGULATIONS THAT 10 REQUIRE A PORTION OF THE PROFITS DERIVED FROM TELEPHONE COMMISSIONS THAT ACCRUE TO THE FUND UNDER § 10–503 OF THIS SUBTITLE 11 TO BE USED FOR TELEPHONE CALLS BETWEEN AN INMATE AND THE MINOR 12 13 CHILD OF AN INMATE. **(2)** 14 FUNDING THAT IS ALLOCATED FOR THE PURPOSE SET FORTH IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE DISTRIBUTED BASED ON THE 15 16 FINANCIAL NEED OF AN INMATE. 17 (D) TO PROMOTE TRANSPARENCY REGARDING THE ADMINISTRATION OF THE FUND, THE DEPARTMENT SHALL REPORT BY DECEMBER 31 OF EACH 18 YEAR TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE 19 20 STATE GOVERNMENT ARTICLE, ON THE NATURE AND THE DOLLAR AMOUNT OF 21THE EXPENDITURES FROM EACH FUND. 2210-503.23 Each fund is a special continuing, nonlapsing fund that is not 24subject to § 7–302 of the State Finance and Procurement Article. 25 (2) (i) Each fund consists of: 26 profits derived from the sale of goods through the 1. 27commissary operation and telephone and vending machine commissions; and 28 subject to subparagraph (ii) of this paragraph, money 29 received from other sources.

30 (ii) Money from the General Fund of the State may not be 31 transferred by budget amendment or otherwise to a fund.

$\frac{1}{2}$	(3) The Treasurer shall separately hold and the Comptroller shall account for each fund.
3 4	(4) (I) Each fund is subject to an audit by the Office of Legislative Audits under § 2–1220 of the State Government Article.
5 6	(II) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS, TRANSACTIONS, AND EXPENDITURES OF EACH FUND.
7 8	(b) (1) Each fund shall be invested and reinvested in the same manner as other State funds.
9	(2) Any investment earnings are not a part of the fund.
10	10–504.
11 12	The Comptroller shall pay out money from each fund as approved in the State budget.
13	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

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October 1, 2013.