

# SENATE BILL 866

E4

1lr1778

---

By: **Senator Corderman**

Introduced and read first time: February 9, 2021

Assigned to: Judicial Proceedings

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Payment by State – Inmate Housing Costs**

3 FOR the purpose of authorizing a county to enter into a certain memorandum of  
4 understanding with the Department of Public Safety and Correctional Services  
5 regarding certain inmate housing costs; altering the amount the State is required to  
6 reimburse a county for certain inmate housing costs; and generally relating to  
7 inmate housing costs.

8 BY repealing and reenacting, without amendments,

9 Article – Correctional Services

10 Section 1–101(a) and (f)

11 Annotated Code of Maryland

12 (2017 Replacement Volume and 2020 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Correctional Services

15 Section 9–402

16 Annotated Code of Maryland

17 (2017 Replacement Volume and 2020 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Correctional Services**

21 1–101.

22 (a) In this article the following words have the meanings indicated.

23 (f) “Department” means the Department of Public Safety and Correctional  
24 Services.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 9-402.

2 (a) In this section, "sentenced inmates" means those inmates confined in a local  
3 correctional facility after being sentenced to the custody of the local correctional facility for  
4 more than 12 months and not more than 18 months.

5 **(B) A COUNTY MAY ENTER INTO A BINDING MEMORANDUM OF**  
6 **UNDERSTANDING WITH THE DEPARTMENT TO DETERMINE THE TOTAL COST TO**  
7 **HOUSE:**

8 **(1) INMATES SENTENCED TO THE COUNTY'S LOCAL CORRECTIONAL**  
9 **FACILITY IN A FISCAL YEAR; AND**

10 **(2) INMATES TRANSFERRED TO THE COUNTY'S LOCAL**  
11 **CORRECTIONAL FACILITY FROM THE DEPARTMENT FOR THE PURPOSE OF**  
12 **RECEIVING REENTRY OR OTHER PRERELEASE PROGRAMMING AND SERVICES.**

13 **[(b)] (C)** Subject to **[subsection (d)] SUBSECTIONS (B) AND (D)** of this section,  
14 for each fiscal year the State shall provide each county a grant equal to **[at least \$45 for**  
15 **each day from the end of the 12th month through the end of the 18th month that a**  
16 **sentenced inmate was confined in a local correctional facility during the second preceding**  
17 **fiscal year]:**

18 **(1) 50% OF THE TOTAL COST DETERMINED IN THE MEMORANDUM OF**  
19 **UNDERSTANDING BETWEEN THE COUNTY AND THE DEPARTMENT; OR**

20 **(2) IF THE COUNTY DOES NOT HAVE A MEMORANDUM OF**  
21 **UNDERSTANDING ESTABLISHED UNDER THIS SECTION, 50% OF THE TOTAL COST**  
22 **THAT THE COUNTY SPENT TO HOUSE INMATES, AS DETERMINED BY THE**  
23 **DEPARTMENT.**

24 **[(c)** Subject to subsection (d) of this section, for each fiscal year the State shall  
25 provide each county a grant equal to at least \$45 for each day:

26 (1) after the first day through the day of release that an inmate who has  
27 been sentenced to the jurisdiction of the Division of Correction was confined in a local  
28 correctional facility during the second preceding fiscal year; or

29 (2) that an inmate who has been sentenced to the jurisdiction of the  
30 Division of Correction received reentry or other prerelease programming and services from  
31 a local correctional facility during the second preceding fiscal year.]

32 (d) (1) On or before October 1 of each year, each county shall submit to the  
33 Department inmate days reports for the previous fiscal year.

1                   (2) If a county fails to submit the information required under paragraph  
2 (1) of this subsection when due, the Department shall deduct an amount equal to 20% of  
3 the [grant] **AMOUNT DETERMINED** under subsection (b) of this section for each 30 days or  
4 part of 30 days after the due date that the information has not been submitted.

5                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2021.