



## Department of Public Safety and Correctional Services

### Office of Government & Legislative Affairs

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**BILL: HOUSE BILL 1123**

**POSITION: LETTER OF INFORMATION**

**EXPLANATION:** This bill places restrictions on how much an incarcerated person may spend from their inmate account on commissary items, and provides that court-ordered financial obligations shall be deducted after the deduction is made for commissary items.

#### **COMMENTS:**

- The Department operates the Division of Correction (DOC), the Division of Pretrial Detention and Services (DPDS), and the Division of Parole and Probation (DPP).
  - DOC operates 13 State correctional facilities housing offenders sentenced to periods of incarceration for 18 months and longer.
  - DPDS operates the Baltimore City Pretrial Complex which houses pretrial detainees and incarcerated individuals sentenced to incarceration for periods of 18 months and less.
  - DPP supervises parolees, probationers and those on mandatory release from correctional facilities.
- HB 1123 provides that an incarcerated individual may have access to 5% of the individual's bank account balance or \$200.00 per month to spend on commissary purchases, and if the bank account balance is less than \$200.00, the individual may spend the entire balance on commissary purchases.
- Departmental policy provides that an incarcerated individual may spend \$85.00 per week or \$340.00 monthly on commissary purchases.
- This bill is also in direct conflict with Statute, as it would allow for the \$200 monthly deduction for commissary spending to be made before any court-ordered financial obligations are deducted including child support or victim restitution.
- Correctional Services Article § 9-615 mandates the order of payments from an incarcerated individual's earnings as follows:
  - (1) reimburse the State for the cost of providing food, lodging,

- and clothing;
  - (2) pay court ordered payments for support of dependents;
  - (3) pay court ordered payments of restitution; and
  - (4) payment compensation for victims of crime.
- Once court ordered obligations are satisfied, the remaining balance is then applied to bring the reserve and spending accounts to the minimum level, as needed. The same applies for any non-payroll receipts that may be deposited into an individual's account.
  - The Department receives 20% of all commissionable sales and uses 100% of the revenue to fund the inmate welfare fund. This fund is used to provide goods and services, such as library books and supplies, welfare kits, and access to PRISM for legal assistance that benefit the general incarcerated population. Imposing a tighter restriction on the amount an incarcerated individual can spend on commissary purchases, will decrease commissary revenues and therefore decrease the amount of funds in the incarcerated individual welfare fund.

**CONCLUSION:** For these reasons, the Department of Public Safety and Correctional Services respectfully requests the Committee consider this information as it deliberates House Bill 1123.