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**HOUSE/SENATE BILL \_\_\_\_\_**

2015 Regular Session

By:  
Introduced and read first time:  
Assigned to:

A BILL ENTITLED

AN ACT concerning

**FULL AND FAIR REIMBURSEMENT FOR LOCAL CORRECTIONAL FACILITIES**

FOR the purpose of

without tax increases reallocating and reimbursing full costs to local correctional facilities centers for sentenced state inmates in local custody; removing an unfunded mandate to provide fairness in relations between state and county governments.

BY amending

Article – Correctional Services  
Sections 9-402  
Annotated Code of Maryland  
( Replacement Volume)

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

**Article – Correctional Services**

Sec. 9-402.

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

(b) Subject to subsection (d) of this section, for each fiscal year the State shall ~~provide~~ REIMBURSE each county ~~a grant~~ IN AN AMOUNT equal to at least \$45 for each day from the end of the 12th month through the end of the 18th month that a sentenced inmate was confined in a local correctional facility during the second preceding fiscal year.

(c) (1) Subject to subsection (d) of this section, for each fiscal year the State shall ~~provide~~ REIMBURSE each county ~~a grant~~ IN AN AMOUNT equal to at least \$45 for each day after the first day through the day of release that an inmate who has been sentenced to the jurisdiction of the Division of Correction was confined in a local correctional facility during the second preceding fiscal year, EXCEPT THAT

(2) THE DIVISION OF CORRECTION SHALL USE THE TOTAL ACTUAL ANNUAL OPERATING COSTS OF A LOCAL CORRECTIONAL FACILITY FOR THE PREVIOUS FISCAL YEAR DIVIDED BY THE TOTAL ACTUAL INMATE DAYS OF THE LOCAL CORRECTIONAL FACILITY FOR THE PREVIOUS FISCAL YEAR WHEN FORMULATING AN AGREEMENT

FOR FULL REIMBURSEMENT OF A COUNTY FOR THE CONFINEMENT OF INMATES IN A LOCAL CORRECTIONAL FACILITY WHO HAVE BEEN SENTENCED TO THE JURISDICTION OF THE DIVISION OF CORRECTION:

- i) AS TO SENTENCED INMATES CONTINUING TO RESIDE AT A LOCAL CORRECTIONAL FACILITY DURING THEIR DIAGNOSTIC RISK – NEEDS SCREENING AND CLASSIFICATION PROCESS BEFORE TRANSFER TO ANOTHER DIVISION OF CORRECTIONS FACILITY OR PROGRAM;
- ii) AS TO SENTENCED INMATES TRANSFERRED TO A LOCAL CORRECTIONAL FACILITY TO PARTICIPATE IN A LOCAL CORRECTIONAL FACILITY'S REENTRY PROGRAM.

(3) WHEN PROVIDING REIMBURSEMENT FOR THE HOUSING OF AN INMATE SENTENCED TO THE JURISDICTION OF THE DIVISION OF CORRECTION, THE DIVISION OF CORRECTION:

- (i) MAY NOT REIMBURSE FOR THE FIRST DAY OF CONFINEMENT; AND
- (ii) SHALL PAY FOR EACH SUBSEQUENT DAY, INCLUDING THE DAY OF RELEASE.

(D) FOR THE PURPOSE OF CALCULATING REIMBURSEMENT UNDER THIS SUBTITLE TO A COUNTY FOR INMATES TO BE CONFINED IN A NEW LOCAL CORRECTIONAL FACILITY THAT HAS NOT REPLACED AN EARLIER EXISTING LOCAL CORRECTIONAL FACILITY, THE COMMISSIONER OF CORRECTION MAY SELECT AS THE PREVIOUS FISCAL YEAR'S TOTAL ACTUAL ANNUAL OPERATING COST:

- (i) THE BUDGETED COST OF OPERATION OF THE NEW LOCAL CORRECTIONAL FACILITY FOR ITS FIRST FULL YEAR OF OPERATION; OR
- (ii) THE TOTAL ACTUAL ANNUAL OPERATING COST FOR THE PREVIOUS FISCAL YEAR OF THE EXISTING LOCAL CORRECTIONAL FACILITY IN THAT COUNTY.

(E)(1) ON OR BEFORE OCTOBER 1 OF EACH YEAR, EACH COUNTY SHALL SUBMIT TO THE DEPARTMENT INMATE DAYS REPORTS FOR THE PREVIOUS FISCAL YEAR.

(2) IF A COUNTY FAILS TO SUBMIT THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION WHEN DUE, THE DEPARTMENT SHALL DEDUCT AN AMOUNT EQUAL TO 20% OF THE REIMBURSEMENT UNDER SUBSECTION (C)(2) OF THIS SECTION FOR EACH 30 DAYS OR PART OF 30 DAYS AFTER THE DUE DATE THAT THE INFORMATION HAS NOT BEEN SUBMITTED.

SECTION 2 . AND BE IT FURTHER ENACTED, That this Act shall take effect on July 1, 2016.

Last Revision: 11/13/14