

SENATE BILL 868

E4

1lr1725

By: **Senators Corderman, Edwards, West, and Salling**

Introduced and read first time: February 9, 2021

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Inmate Release**

3 FOR the purpose of authorizing the Division of Correction and a local correctional facility
4 to establish a certain rate of reimbursement for an inmate sentenced to the Division
5 and confined in a local correctional facility under certain circumstances; requiring
6 the Division to transport a certain inmate from a certain correctional facility to a
7 certain local correctional facility within a certain time period before the inmate is
8 scheduled to be released from a State correctional facility; requiring the Division to
9 provide certain notification to a local correctional facility before the Division is
10 scheduled to transport an inmate to a local correctional facility; requiring the
11 Division to reimburse a local correctional facility at a certain rate for expenses
12 incurred as a result of the transfer; requiring the Division of Parole and Probation
13 to supervise any required probation, parole, or mandatory supervision of a certain
14 inmate after the inmate is released; and generally relating to the release of inmates.

15 BY repealing and reenacting, with amendments,
16 Article – Correctional Services
17 Section 9–402
18 Annotated Code of Maryland
19 (2017 Replacement Volume and 2020 Supplement)

20 BY adding to
21 Article – Correctional Services
22 Section 9–609.2
23 Annotated Code of Maryland
24 (2017 Replacement Volume and 2020 Supplement)

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

27 **Article – Correctional 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) Subject to [subsection] **SUBSECTIONS (d) AND (E)** of this section, for each
6 fiscal year the State shall provide each county a grant equal to at least \$45 for each day
7 from the end of the 12th month through the end of the 18th month that a sentenced inmate
8 was confined in a local correctional facility during the second preceding fiscal year.

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

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

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

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

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

23 **(E) THE DIVISION OF CORRECTION AND A LOCAL CORRECTIONAL FACILITY**
24 **MAY ESTABLISH, THROUGH A MEMORANDUM OF UNDERSTANDING, A RATE OF**
25 **REIMBURSEMENT FOR AN INMATE SENTENCED TO THE DIVISION OF CORRECTION**
26 **AND CONFINED IN A LOCAL CORRECTIONAL FACILITY.**

27 **9-609.2.**

28 **(A) (1) AT LEAST 5 DAYS BEFORE AN INMATE IS SCHEDULED TO BE**
29 **RELEASED FROM CONFINEMENT IN A STATE CORRECTIONAL FACILITY, THE**
30 **DIVISION SHALL TRANSPORT THE INMATE FROM THE CORRECTIONAL FACILITY TO**
31 **THE LOCAL CORRECTIONAL FACILITY OF THE INMATE'S:**

32 **(I) ADDRESS THAT IS ON FILE IN THE STATEWIDE VOTER**
33 **REGISTRATION LIST; OR**

1 **(II) LAST KNOWN RESIDENCE BEFORE INCARCERATION, AS**
2 **DETERMINED BY THE DECENNIAL CENSUS.**

3 **(2) IF THE ADDRESSES LISTED IN SUBSECTION (A) OF THIS SECTION**
4 **ARE UNAVAILABLE, THE DIVISION SHALL TRANSPORT THE INMATE FROM THE**
5 **CORRECTIONAL FACILITY TO THE LOCAL CORRECTIONAL FACILITY OF THE**
6 **INMATE'S ADDRESS:**

7 **(I) THAT IS LISTED ON AN IDENTIFICATION CARD OR A**
8 **DRIVER'S LICENSE THAT IS COMPLIANT WITH THE FEDERAL REAL ID ACT OF 2005**
9 **AND IS ISSUED BY THE MOTOR VEHICLE ADMINISTRATION TO THE INMATE; OR**

10 **(II) RECORDED BY THE CORRECTIONAL FACILITY AT THE TIME**
11 **THE INMATE ENTERED THE CORRECTIONAL FACILITY.**

12 **(B) THE DIVISION SHALL:**

13 **(1) NOTIFY A LOCAL CORRECTIONAL FACILITY AT LEAST 30 DAYS**
14 **BEFORE THE DIVISION IS SCHEDULED TO TRANSPORT AN INMATE FROM A STATE**
15 **CORRECTIONAL FACILITY TO A LOCAL CORRECTIONAL FACILITY UNDER**
16 **SUBSECTION (A) OF THIS SECTION; AND**

17 **(2) REIMBURSE THE LOCAL CORRECTIONAL FACILITY THAT**
18 **RECEIVES THE INMATE TRANSFERRED FROM A STATE CORRECTIONAL FACILITY**
19 **UNDER SUBSECTION (A) OF THIS SECTION FOR THE EXPENSES INCURRED BY THE**
20 **LOCAL CORRECTIONAL FACILITY AS A RESULT OF THE TRANSFER AT A RATE:**

21 **(I) DETERMINED BY A MEMORANDUM OF UNDERSTANDING**
22 **BETWEEN THE DIVISION AND THE LOCAL CORRECTIONAL FACILITY; OR**

23 **(II) IF THE DIVISION AND THE LOCAL CORRECTIONAL FACILITY**
24 **DO NOT HAVE A MEMORANDUM OF UNDERSTANDING, IN ACCORDANCE WITH § 9-402**
25 **OF THIS ARTICLE.**

26 **(C) THE DIVISION OF PAROLE AND PROBATION SHALL SUPERVISE ANY**
27 **REQUIRED PROBATION, PAROLE, OR MANDATORY SUPERVISION OF AN INMATE**
28 **TRANSFERRED UNDER SUBSECTION (A) OF THIS SECTION.**

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