

Date: (Filing No. S-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
SENATE
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 519, L.D. 1490, Bill, “An Act Regarding Community Corrections Funds”

Amend the bill by striking out the title and substituting the following:

'An Act To Stabilize Funding for the County Jails'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 34-A MRSA §1210-D, as amended by PL 2015, c. 436, §§11 and 12, is further amended to read:

§1210-D. County Jail Operations Fund; County Jail Community Corrections Fund

1. County Jail Operations Fund. Notwithstanding any provision of law to the contrary, beginning in fiscal year 2017-18, at least \$12,202,104 \$10,355,543 in state funding must be appropriated annually and used for the purposes of the County Jail Operations Fund, as established pursuant to this section and referred to in this section as "the fund." subsection. The department shall administer the ~~fund~~ County Jail Operations Fund and shall distribute funds to the jails in accordance with this section for the purposes set forth in subsections ~~2 and 3~~ and 4.

2. Community corrections; County Jail Community Corrections Fund. Notwithstanding any provision of law to the contrary, at least \$5,646,561 in state funding must be appropriated annually and used for the purposes of the County Jail Community Corrections Fund, as established pursuant to this subsection. The department shall administer the County Jail Community Corrections Fund and shall distribute funds to the jails in accordance with this subsection for the purposes set forth in this subsection and subsection 2-A. The ~~fund~~ County Jail Community Corrections Fund must be used for the purpose of establishing and maintaining community corrections. For purposes of this subsection, "community corrections" means the delivery of correctional services for adults in the least restrictive manner that ensures the public safety by the county or for the county under contract with a public or private entity. "Community corrections" includes, but is not limited to, preventive or diversionary correctional programs, pretrial release or

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1 conditional release programs, alternative sentencing or housing programs, electronic
2 monitoring, residential treatment and halfway house programs, community correctional
3 centers and temporary release programs from a facility for the detention or confinement
4 of persons convicted of crimes. The following provisions apply to community
5 corrections funding.

6 A. Thirty percent of the funds distributed to the counties under this ~~section~~
7 subsection must be used for the purpose of community corrections.

8 B. The county treasurer shall deposit 30% of the funds received under this subsection
9 ~~4~~ into an account for community corrections purposes.

10 C. Before distributing to a county that county's entire distribution under this ~~section~~
11 subsection, the department shall require that county to submit appropriate
12 documentation verifying that the county expended 30% of its prior distribution for
13 the purpose of community corrections as required by this ~~section~~ subsection.

14 D. If a county fails to submit appropriate documentation verifying that the county
15 expended 30% of its prior distribution for the purpose of community corrections
16 under paragraph C, the department shall distribute to that county only 80% of its
17 distribution. The department shall hold in escrow the 20% not distributed to a county
18 to give the county jail an opportunity to comply with the requirement that 30% of the
19 total distribution under this subsection be used for community corrections purposes
20 and qualify for disbursement of the withheld funds.

21 **2-A. Pretrial release or conditional release programs.** Using community
22 corrections funds distributed under this section, each county shall provide a program,
23 directly or through contract with an organization, to supervise defendants subject to a
24 pretrial release condition imposed pursuant to Title 15, section 1026, subsection 3,
25 paragraph A, subparagraph (1) and such requirements as may be established by rule or
26 order of the Supreme Judicial Court.

27 **3. Prisoner support.** The ~~fund~~ County Jail Operations Fund must be used to
28 provide a portion of the counties' costs of the support of prisoners detained or sentenced
29 to county jails. The following provisions apply to prisoner support funding.

30 A. ~~Up to 70% of the~~ The funds distributed to a county under subsection 1 and this
31 ~~section~~ subsection may be used for the purpose of support of prisoners detained or
32 sentenced to county jails and for such other jail operations and correctional services
33 purposes as the sheriff determines to be appropriate.

34 B. The county treasurer shall deposit ~~70% of~~ the funds received under this subsection
35 ~~4~~ into an account for prisoner support, jail operations and correctional services
36 purposes.

37 **4. Formula; distribution.** The department shall establish by rule a formula for the
38 distribution of funds from the ~~fund~~ County Jail Operations Fund and the County Jail
39 Community Corrections Fund to the counties for jail operations. ~~Beginning July 1, 2015~~
40 ~~and annually thereafter, the~~ The department annually shall distribute to the counties from
41 the ~~fund~~ County Jail Operations Fund and the County Jail Community Corrections Fund
42 amounts based on the formula. The formula must be based on the most recent fiscal year
43 for which data is available and must:

- 1 A. Take into consideration total statewide county jail prisoner days for all jails;
- 2 B. Take into consideration and assign to a jail the number of county jail prisoner
- 3 days attributable to each prisoner who was charged with committing a crime in that
- 4 county or was committed to the custody of or detained by the sheriff of that county;
- 5 C. Determine the proportion of statewide county jail prisoner days attributable to
- 6 each county;
- 7 D. Determine the per diem per prisoner reimbursement amount; and
- 8 E. Determine the reimbursement amount for each county based on the county's
- 9 proportion of statewide county jail prisoner days multiplied by the per diem per
- 10 prisoner rate.

11 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
 12 chapter 375, subchapter 2-A.

13 **5. Surcharge imposed.** In addition to the 14% surcharge collected pursuant to Title
 14 4, section 1057, an additional 1% surcharge must be added to every fine, forfeiture or
 15 penalty imposed by any court in this State, which, for the purposes of collection and
 16 collection procedures, is considered a part of the fine, forfeiture or penalty. All funds
 17 collected pursuant to this subsection are nonlapsing and must be deposited monthly in the
 18 ~~fund~~ County Jail Operations Fund.

19 **Sec. 2. Appropriations and allocations.** The following appropriations and
 20 allocations are made.

21 **CORRECTIONS, DEPARTMENT OF**

22 **County Jail Community Corrections Fund N267**

23 Initiative: Transfers funds to create a separate program for county jail community-based
 24 corrections funds.

25	GENERAL FUND		2017-18	2018-19
26	All Other		\$5,646,561	\$5,646,561
27				
28	GENERAL FUND TOTAL		\$5,646,561	\$5,646,561

29 **County Jail Operations Fund Z194**

30 Initiative: Provides \$3,800,000 in additional ongoing funding for the County Jail
 31 Operations Fund.

32	GENERAL FUND		2017-18	2018-19
33	All Other		\$3,800,000	\$3,800,000
34				
35	GENERAL FUND TOTAL		\$3,800,000	\$3,800,000

36 **County Jail Operations Fund Z194**

1 Initiative: Transfers funds to create a separate program for county jail community-based
2 corrections funds.

3	GENERAL FUND	2017-18	2018-19
4	All Other	(\$5,646,561)	(\$5,646,561)
5			
6	GENERAL FUND TOTAL	<u>(\$5,646,561)</u>	<u>(\$5,646,561)</u>

7	CORRECTIONS, DEPARTMENT OF		
8	DEPARTMENT TOTALS	2017-18	2018-19
9			
10	GENERAL FUND	\$3,800,000	\$3,800,000
11			
12	DEPARTMENT TOTAL - ALL FUNDS	<u>\$3,800,000</u>	<u>\$3,800,000</u>
13			

14 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
15 section number to read consecutively.

16 **SUMMARY**

17 This amendment:

- 18 1. Separates the County Jail Operations Fund into a County Jail Operations Fund and
19 a new County Jail Community Corrections Fund; and
- 20 2. Provides \$3,800,000 per year in additional funding for the County Jail Operations
21 Fund.

22 **FISCAL NOTE REQUIRED**

23 **(See attached)**