§1210-E. County Jail Operations Fund

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "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 conditional release programs, alternative sentencing or housing programs, electronic monitoring, residential treatment and halfway house programs, community correctional centers, temporary release programs from a facility for the detention or confinement of persons convicted of crimes and programs and services as required by section 1208-B, subsection 4, paragraph D. [PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]

B. "County Corrections Professional Standards Council" or "council" means the council established pursuant to Title 5, section 12004-G, subsection 6-D. [PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]

C. "Fund" means the County Jail Operations Fund established pursuant to subsection 2. [PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]

D. "Jail" means a county or regional jail for which the department is required to establish standards pursuant to section 1208, 1208-A or 1208-B. [PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]

[PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]

2. County Jail Operations Fund. The County Jail Operations Fund is established to provide funding for county jails and the regional jail. State funding must be appropriated annually for the fund in the amount of $20,342,104 plus any additional amount the Legislature may appropriate. The department shall administer the fund and shall distribute funds to the jails in accordance with this section for the purposes set forth in subsections 3 and 4 and in accordance with the distribution formula set forth in subsection 9.

[PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]

3. Community corrections; pretrial release program. At least 25% of all funding provided under this section must be used by the county jails and regional jail for establishing, providing and maintaining community corrections and programs and services required by section 1208-B, subsection 4, paragraph D. Jail programs and services must include a program, directly or through a contract with an organization, to supervise defendants subject to pretrial release conditions imposed pursuant to Title 15, section 1026, subsection 3, paragraph A, subparagraph (1) and such requirements as may be established by rule or order of the Supreme Judicial Court.

[PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]

4. Prisoner support. The fund must be used to provide a portion of the counties' costs of the support of prisoners detained or sentenced to jail.

[PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]

5. Quarterly payments to counties. The department shall distribute funding payable to the counties for operation of the jails quarterly if the jails have reported on a timely basis as required by subsection 6 and rules adopted pursuant to subsection 7. Failure to report as required may result in delayed payment of funds required to be paid by this section.

[PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]

6. Required reporting. The county jails and the regional jail shall report to the department any data required by the council pursuant to section 1208-B, subsection 5, on the schedule and in the format

required by the council. Failure of a jail to report as required may result in delayed quarterly payments to the counties as provided in subsection 5 and as set forth by rule.
[PL 2023, c. 646, Pt. A, §41 (AMD).]

7. Rulemaking. The council shall adopt rules to implement the financial accounting, reporting and data collection systems and requirements necessary for implementing this section, including any data required to be collected pursuant to section 1208-B, subsection 5. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]

8. Surcharge. In addition to the 14% and 5% surcharges collected pursuant to Title 4, section 1057, an additional 1% surcharge must be added to every fine, forfeiture or penalty imposed by any court in this State, which, for the purposes of collection and collection procedures, is considered a part of the fine, forfeiture or penalty. All funds collected pursuant to this subsection are nonlapsing and must be deposited monthly in the fund.
[PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]

9. Formula; distribution. The council shall establish a formula for the quarterly distribution described in subsection 5. The department shall distribute quarterly to each county from the fund the amount due to that county as determined according to the formula. The formula must be based on the most recent fiscal year for which data is available for the county and must:

A. Take into consideration total statewide county jail prisoner days for all jails; [PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]

B. Take into consideration and assign to a jail the number of county jail prisoner days attributable to each prisoner who was charged with committing a crime in that county or who was committed to the custody of or detained by the sheriff of that county; and [PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]

C. Determine the proportion of statewide county jail prisoner days attributable to each county. [PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]
[PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]

10. Annual reporting to legislative committee. By October 1st annually, the department in collaboration with a statewide association of county commissioners and a statewide association of sheriffs shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters regarding the following issues: county jail and regional jail funding through the General Fund, pursuant to Title 30-A, section 701 and from any other revenue sources; funding and operation of community corrections and programs and services required by section 1208-B, subsection 4, paragraph D and this section; distribution of funding to the county jails and regional jail; jail reporting of revenues, expenses and populations as required by this section; the experiences of the counties in setting their tax assessments for correctional services under Title 30-A, section 701; and the adoption and implementation of rules specifying best practices, including mandatory standards, policies and procedures, under section 1208-B.
[PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]

SECTION HISTORY

PL 2021, c. 732, Pt. A, §3 (NEW). PL 2021, c. 732, Pt. A, §5 (AFF). PL 2023, c. 646, Pt. A, §41 (AMD).

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