

Defined terms: "Commissioner of Correction" § 1-101

"Correctional facility" § 1-101

"Division of Correction" § 1-101

"Inmate" § 1-101

"State correctional facility" § 1-101

9-605. LIABILITY OF ESTATE OF INMATE FOR DAMAGES AND EXPENSES.

(A) IN GENERAL.

THE ESTATE OF AN INDIVIDUAL WHO IS SENTENCED TO IMPRISONMENT IN A CORRECTIONAL FACILITY IN THE DIVISION OF CORRECTION OR IS TO BE EXECUTED IS LIABLE:

(1) FIRST, FOR PAYMENT OF REPARATION TO EACH PERSON INJURED BY THE INDIVIDUAL; AND

(2) SECOND, FOR EXPENSES INCURRED BY THE STATE TO APPREHEND, PROSECUTE, CONVICT, AND REMOVE THE INDIVIDUAL.

(B) DETERMINATION OF LIABILITY.

TO DETERMINE THE AMOUNT OF LIABILITY UNDER SUBSECTION (A) OF THIS SECTION, THE COURT IN WHICH THE INDIVIDUAL IS CONVICTED SHALL DIRECT ITS CLERK TO CERTIFY TO THE MANAGING OFFICIAL OF THE CORRECTIONAL FACILITY THE AMOUNT OF REPARATION DETERMINED BY THE COURT AND THE COSTS INCURRED BY THE STATE IN THE PROSECUTION AND CONVICTION OF THE INDIVIDUAL.

(C) RECORD KEEPING.

THE MANAGING OFFICIAL SHALL MAINTAIN A RECORD OF THE LIABILITY OF THE ESTATE OF THE INDIVIDUAL AS CERTIFIED BY THE CLERK UNDER SUBSECTION (B) OF THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 636.

In the introductory language of subsection (a) of this section, the term "individual" is substituted for the former term "person" because only a human being, and not the other types of entities included in the definition of "person", can be imprisoned or executed. See § 1-101 of this article for the definition of "person".

Also in the introductory language of subsection (a) of this section, the reference to an individual who is sentenced to "imprisonment" is substituted for the former reference to an individual who is sentenced to "confinement" for consistency throughout this article. See General Revisor's Note to this article.

Also in the introductory language of subsection (a) of this section, the former reference to "[t]he real and personal" estate is deleted as implicit in the reference to an "estate". Similarly, the former reference to a "convicted"