

**Article - Correctional Services**

8-114.

(A) (1) IF THE COMMISSION DETERMINES THAT A CORRECTIONAL FACILITY IS IN VIOLATION OF THE MINIMUM MANDATORY STANDARDS, THE COMMISSION SHALL SEND A ~~LETTER OF REPRIMAND~~ COMPLIANCE PLAN TO THE CORRECTIONAL FACILITY.

(2) THE ~~LETTER OF REPRIMAND~~ COMPLIANCE PLAN SHALL STATE:

(I) WHICH MINIMUM MANDATORY STANDARDS THE CORRECTIONAL FACILITY HAS VIOLATED;

(II) THE TIME, TO BE DETERMINED BY THE COMMISSION, THAT THE CORRECTIONAL FACILITY HAS TO ADDRESS THE VIOLATIONS; AND

(III) THE DATE THAT THE COMMISSION SHALL REINSPECT THE CORRECTIONAL FACILITY TO DETERMINE IF THE CORRECTIONAL FACILITY HAS COMPLIED WITH THE MINIMUM MANDATORY STANDARDS.

(3) THE COMMISSION SHALL SEND A COPY OF THE ~~LETTER OF REPRIMAND~~ COMPLIANCE PLAN TO THE EXECUTIVE AND LEGISLATIVE BODY RESPONSIBLE FOR THE CORRECTIONAL FACILITY.

(B) (1) IF, AFTER SENDING A ~~LETTER OF REPRIMAND~~ COMPLIANCE PLAN AND REINSPECTING A CORRECTIONAL FACILITY UNDER SUBSECTION (A) OF THIS SECTION, THE COMMISSION DETERMINES THAT THE CORRECTIONAL FACILITY IS IN VIOLATION OF THE MINIMUM MANDATORY STANDARDS, THE COMMISSION SHALL ~~ASSESS A MONETARY FINE AGAINST THE CORRECTIONAL FACILITY.~~

(2) (I) ~~THE AMOUNT OF THE FINE SHALL BE DETERMINED BY THE COMMISSION.~~

(II) ~~WHEN DETERMINING THE AMOUNT OF THE FINE, THE COMMISSION SHALL CONSIDER:~~

1. ~~THE SEVERITY OF THE VIOLATION;~~
2. ~~THE SIZE AND BUDGET OF THE FACILITY, AND~~
3. ~~WHETHER THE FACILITY HAS VIOLATED THE SAME MINIMUM MANDATORY STANDARDS WITHIN THE LAST 5 YEARS.~~

(III) ~~THE AMOUNT OF THE FINE SHALL INCREASE FOR EACH WEEK, UP TO A MAXIMUM OF 4 WEEKS, THAT THE CORRECTIONAL FACILITY FAILS TO MEET THE MINIMUM MANDATORY STANDARDS.~~

(3) ~~ANY FINES COLLECTED BY THE COMMISSION SHALL REVERT TO THE GENERAL OPERATING FUND OF THE STATE.~~

(4) ~~IF A CORRECTIONAL FACILITY FAILS TO PAY A FINE ASSESSED BY THE COMMISSION, THE COMMISSION SHALL PETITION A CIRCUIT COURT WITH VENUE OVER THE PROCEEDING TO COMPEL COMPLIANCE.~~