

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 979
Judiciary

(Delegate D.M. Davis, *et al.*)

Judicial Proceedings

Correctional Services – Inmate Cost-of-Living Report – Maryland Correctional
Enterprises Diversity Report

This bill expands the information that must be included in the Commissioner of Correction Annual Report to include information relating to the annual cost of living for inmates. In addition, the bill expands the information that must be included in the Division of Correction (DOC) Financial and Operational Report to include information relating to inmates currently employed at facilities under the authority of Maryland Correctional Enterprises (MCE).

Fiscal Summary

State Effect: The Department of Public Safety and Correctional Services can handle the bill's requirements with existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary:

Commissioner of Correction Annual Report: The Commissioner of Correction must include in its annual report submitted to the Secretary of Public Safety and Correctional Services and the Governor, for each correctional facility in DOC, information relating to the annual cost of living for inmates, including the average cost of (1) telephone calls, as

specified; (2) video calls; and (3) items available for purchase at the commissary, including feminine hygiene products, toiletries, and medications.

Division of Correction Financial and Operational Report: The annual complete financial and operational report of MCE and the MCE revolving fund that DOC submits to the Governor, the Secretary of Public Safety and Correctional Services, and the Secretary of Budget and Management, must list the race, age, and sex of inmates currently employed at facilities under the authority of MCE, disaggregated by job classification and wage scale.

Current Law:

Commissioner of Correction Annual Report: By October 31 of each year, the commissioner must submit an annual report to the Secretary of Public Safety and Correctional Services and the Governor that states, for each correctional facility in DOC:

- its expenses, receipts, disbursements, condition, and progress;
- the number of inmates and each inmate's age, sex, race, place of birth and conviction, crime, and term of confinement;
- the number of inmates who escape, are pardoned, or discharged;
- the job classifications for inmate labor in each department and facility under DOC's control;
- the daily wage scale at each prison for each job classification under DOC's authority;
- the total number of inmates currently employed at facilities under DOC's authority, disaggregated by facility; and
- any remarks and suggestions the commissioner considers necessary to advance the interests of the correctional facility.

The commissioner must also submit with the report an accurate, detailed statement for all receipts and disbursements to DOC during the year. The commissioner must verify the required report and statement. The Governor must submit to the General Assembly the required report and statement and any recommendations that the Governor considers expedient.

Division of Correction Financial and Operational Report: Annually, DOC must submit a complete financial and operational report of MCE and the MCE revolving fund to the Governor, the Secretary of Public Safety and Correctional Services, and the Secretary of Budget and Management. The report must:

- be in the same general form as a report by DOC on its operations and programs;

- include information about present and projected personnel and compensation requirements of MCE;
- list the job classifications for inmate labor in each department and facility under MCE's authority;
- list the daily wage scale at each prison for each job classification under MCE's authority; and
- list the total number of inmates currently employed at facilities under MCE's authority, disaggregated by facility.

The Governor, the Secretary of Public Safety and Correctional Services, and the Secretary of Budget and Management may include data from the report in the preparation of the budget and capital improvement bill.

Chapters 254 and 255 of 2018 require the managing official of a correctional facility and the director of the Patuxent Institution to ensure that the facility has a sufficient supply of menstrual hygiene products available to meet the needs of the inmate population at all times. Each correctional facility and the Patuxent Institution must (1) have a written policy and procedure in place requiring menstrual hygiene products to be provided at no cost to a female inmate, as specified, and (2) maintain records on the provision and availability of menstrual hygiene products to inmates.

Background: MCE (formerly State Use Industries) provides work and job training for inmates incarcerated in State correctional facilities. MCE produces goods and supplies services at a cost that does not exceed the prevailing average market price. These goods and services are used by local, State, and federal agencies. These goods are also available for use by charitable, civic, educational, fraternal, or religious organizations. In fiscal 2019, MCE employed 1,516 inmates and generated revenues of \$52.5 million. MCE reports that staff vacancy rates have negatively affected inmate employment.

The Commissioner and the Chief Executive Officer of MCE must establish the compensation rate for inmate labor in MCE, taking into consideration other wage payments and incentives in other programs. Inmate wages are standard throughout State correctional facilities. The starting pay scale is based on skill category, with wages ranging from \$0.17 per hour for unskilled positions up to minimum wage rates per hour for MCE work release positions.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services;
Department of Legislative Services

Fiscal Note History: First Reader - February 21, 2020
mr/lgc Third Reader - March 14, 2020

Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:
(410) 946-5510
(301) 970-5510