

SENATE BILL 1119

E4

7lr3571

By: **Senator Muse**

Introduced and read first time: February 20, 2017

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Inmates – Labor**

3 FOR the purpose of requiring the Commissioner of Correction to include in a certain report
4 certain statistics related to inmate employment and wages at certain facilities;
5 requiring the Division of Correction to include in a certain report regarding
6 Maryland Correctional Enterprises certain statistics regarding inmate employment
7 and wages; establishing the Task Force on Inmate Labor; providing for the
8 composition, chair, and staffing of the Task Force; prohibiting a member of the Task
9 Force from receiving certain compensation, but authorizing the reimbursement of
10 certain expenses; requiring the Task Force to study and make public findings
11 regarding certain matters; requiring the Task Force to report its findings and
12 recommendations to the Governor and General Assembly on or before a certain date;
13 providing for the termination of certain provisions of this Act; and generally relating
14 to inmates.

15 BY repealing and reenacting, with amendments,
16 Article – Correctional Services
17 Section 3–207 and 3–509
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2016 Supplement)

20 Preamble

21 WHEREAS, An inmate employee working in an institutional job in a State
22 correctional facility makes as little as 90 cents per day; and

23 WHEREAS, An inmate employee working for Maryland Correctional Enterprises
24 makes as little as \$1.12 per day; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, According to a 2012 report by the Maryland Task Force on Prisoner
2 Reentry, the chief obstacles faced by Marylanders with criminal records are employment,
3 education, financial stability, and housing; and

4 WHEREAS, The same report states that “attaining financial stability as soon as
5 possible after release is important to reentry success”; and

6 WHEREAS, As of 2012, Maryland’s recidivism rate stands at about 40%; and

7 WHEREAS, Many Maryland residents return home in financially precarious
8 situations that, when paired with the high unemployment rate for individuals with
9 criminal records and an often frayed family support system, might lead many returning
10 citizens to seek out the type of activities that first led to their arrest; and

11 WHEREAS, Improving our understanding of the financial situation of our returning
12 citizens will help better serve them and reduce recidivism; and

13 WHEREAS, Maryland’s communities will be better served if returning citizens have
14 an improved level of financial security; now, therefore,

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That the Laws of Maryland read as follows:

17 **Article – Correctional Services**

18 3–207.

19 (a) On or before October 31 of each year, the Commissioner shall submit an
20 annual report to the Secretary and the Governor that states, for each correctional facility
21 in the Division:

22 (1) its expenses, receipts, disbursements, condition, and progress;

23 (2) the number of inmates and each inmate’s age, sex, race, place of birth
24 and conviction, crime, and term of confinement;

25 (3) the number of inmates who escape, are pardoned, or discharged; [and]

26 **(4) THE JOB CLASSIFICATIONS FOR INMATE LABOR IN EACH**
27 **DEPARTMENT AND FACILITY UNDER THE DIVISION’S CONTROL;**

28 **(5) THE INMATE WAGES AT EACH PRISON FOR EACH JOB**
29 **CLASSIFICATION UNDER THE DIVISION’S AUTHORITY;**

30 **(6) THE MEAN AND MEDIAN NUMBER OF HOURS AN INMATE IN STATE**
31 **PRISON WORKS PER DAY AND PER MONTH, DISAGGREGATED BY FACILITY;**

1 **(7) THE TOTAL NUMBER OF INMATES CURRENTLY EMPLOYED AND**
2 **THEIR MEAN WAGES AT FACILITIES UNDER THE DIVISION'S AUTHORITY,**
3 **DISAGGREGATED BY FACILITY;**

4 **(8) THE MEAN AND MEDIAN HOURLY WAGES FOR MALE INMATES AND**
5 **FEMALE INMATES;**

6 **(9) THE MEAN AND MEDIAN AMOUNT OF EARNINGS IN INMATES'**
7 **ACCOUNTS ON RELEASE, DISAGGREGATED BY FACILITY; AND**

8 **[(4)] (10)** any remarks and suggestions the Commissioner considers
9 necessary to advance the interests of the correctional facility.

10 (b) The Commissioner shall submit with the report required by subsection (a) of
11 this section a statement similar to the statement that is required to be submitted under §
12 3-206 of this subtitle.

13 (c) The Commissioner shall verify the report and statement required by this
14 section.

15 (d) Subject to § 2-1246 of the State Government Article, the Governor shall
16 submit to the General Assembly the report and statement required under this section and
17 any recommendations that the Governor considers expedient.

18 3-509.

19 (a) Annually, the Division shall submit a complete financial and operational
20 report of Maryland Correctional Enterprises and the Maryland Correctional Enterprises
21 revolving fund to:

22 (1) the Governor;

23 (2) the Secretary; and

24 (3) the Secretary of Budget and Management.

25 (b) The report required under subsection (a) of this section shall:

26 (1) be in the same general form as a report by the Division on its operations
27 and programs; [and]

28 (2) include information about present and projected personnel and
29 compensation requirements of Maryland Correctional Enterprises;

1 **(3) LIST THE JOB CLASSIFICATIONS FOR INMATE LABOR IN EACH**
2 **DEPARTMENT AND FACILITY UNDER MARYLAND CORRECTIONAL ENTERPRISES'**
3 **AUTHORITY;**

4 **(4) LIST THE INMATE WAGES AT EACH PRISON FOR EACH JOB**
5 **CLASSIFICATION UNDER MARYLAND CORRECTIONAL ENTERPRISES' AUTHORITY;**

6 **(5) LIST THE MEAN AND MEDIAN NUMBER OF HOURS AN INMATE**
7 **EMPLOYED BY MARYLAND CORRECTIONAL ENTERPRISES WORKS PER DAY AND PER**
8 **MONTH, DISAGGREGATED BY FACILITY;**

9 **(6) LIST THE TOTAL NUMBER OF INMATES AND THEIR MEAN WAGES**
10 **FOR ALL INMATES CURRENTLY EMPLOYED AT FACILITIES UNDER MARYLAND**
11 **CORRECTIONAL ENTERPRISES' AUTHORITY, DISAGGREGATED BY FACILITY;**

12 **(7) LIST THE MEAN AND MEDIAN HOURLY WAGE FOR MALE INMATES**
13 **AND FEMALE INMATES UNDER MARYLAND CORRECTIONAL ENTERPRISES'**
14 **AUTHORITY; AND**

15 **(8) LIST THE MEAN AND MEDIAN AMOUNTS OF EARNINGS IN INMATES'**
16 **ACCOUNTS ON RELEASE, DISAGGREGATED BY FACILITY.**

17 (c) The Governor, the Secretary, and the Secretary of Budget and Management
18 may include data from the report submitted under this section in the preparation of the
19 budget and capital improvement bill.

20 SECTION 2. AND BE IT FURTHER ENACTED, That:

21 (a) There is a Task Force on Inmate Labor.

22 (b) The Task Force consists of the following members:

23 (1) two members of the Senate of Maryland, appointed by the President of
24 the Senate;

25 (2) two members of the House of Delegates, appointed by the Speaker of
26 the House;

27 (3) a representative of the National Association for the Advancement of
28 Colored People, selected by the National Association for the Advancement of Colored
29 People;

30 (4) a representative of the American Civil Liberties Union, selected by the
31 American Civil Liberties Union;

1 (5) a representative of Out for Justice, selected by Out for Justice;

2 (6) the chief executive officer of Maryland Correctional Enterprises, or the
3 chief executive officer's designee;

4 (7) the Secretary of Public Safety and Correctional Services, or the
5 Secretary's designee;

6 (8) the Secretary of Labor, Licensing, and Regulation, or the Secretary's
7 designee;

8 (9) the Commissioner of Correction, or the Commissioner's designee; and

9 (10) the following members appointed by the Governor:

10 (i) one member of the Governor's Workforce Investment Board;

11 (ii) two members of the public with relevant expertise in the
12 provision of reentry services to adult offenders;

13 (iii) two individuals who were formerly committed to a State
14 correctional facility; and

15 (iv) two members of the public who represent organized labor.

16 (c) The Governor shall designate the chair of the Task Force.

17 (d) The Governor's Office of Crime Control and Prevention shall provide staff for
18 the Task Force.

19 (e) A member of the Task Force:

20 (1) may not receive compensation as a member of the Task Force; but

21 (2) is entitled to reimbursement for expenses under the Standard State
22 Travel Regulations, as provided in the State budget.

23 (f) The Task Force shall:

24 (1) analyze the statutory, regulatory, rules-based, and practice-based
25 hurdles to providing greater compensation to inmates;

26 (2) investigate guidelines and criteria to track outcomes of inmate
27 employment, including recidivism, inmate savings, job bank selection, hours worked, and
28 inmate purchases while incarcerated; and

1 (3) conduct and make public the findings of a comprehensive survey of
2 inmates employed by the Department of Public Safety and Correctional Services as well as
3 Maryland Correctional Enterprises to determine inmate perspective on inmate labor,
4 inmate selection for employment via institutional job banks, inmate compensation,
5 workplace safety, employment skill development, and inmate living expenses.

6 (g) On or before December 31, 2017, the Task Force shall report its findings and
7 recommendations to the Governor and, in accordance with § 2-1246 of the State
8 Government Article, the General Assembly.

9 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
10 effect October 1, 2017.

11 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
12 3 of this Act, this Act shall take effect July 1, 2017. Section 2 of this Act shall remain
13 effective for a period of 1 year and, at the end of June 30, 2018, with no further action
14 required by the General Assembly, Section 2 of this Act shall be abrogated and of no further
15 force and effect.