

# SENATE BILL 964

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SB 194/21 – FIN & B&T

2lr2931  
CF HB 1245

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By: **Senator Benson**

Introduced and read first time: February 15, 2022

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Inmates – Labor, Job Training, and Educational Courses**

3 FOR the purpose of requiring the compensation rate for inmate labor in Maryland  
4 Correctional Enterprises to be not less than the State minimum wage; repealing a  
5 requirement that the Department of Public Safety and Correctional Services  
6 reimburse a certain county or the State for certain costs from an inmate's earnings  
7 under certain circumstances; prohibiting the Department of Public Safety and  
8 Correctional Services from deducting certain costs from an inmate's earnings;  
9 requiring the Division of Correction to offer job training and educational courses to  
10 certain inmates; requiring the Maryland Department of Labor to evaluate the job  
11 training and educational courses offered by the Division on an ongoing basis; and  
12 generally relating to inmates.

13 BY repealing and reenacting, with amendments,  
14 Article – Correctional Services  
15 Section 3–514 and 9–615  
16 Annotated Code of Maryland  
17 (2017 Replacement Volume and 2021 Supplement)

18 BY adding to  
19 Article – Correctional Services  
20 Section 9–618  
21 Annotated Code of Maryland  
22 (2017 Replacement Volume and 2021 Supplement)

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

### Article – Correctional Services

25  
26 3–514.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) **(1)** [The] **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**  
2 Commissioner and Chief Executive Officer shall establish the compensation rate for inmate  
3 labor in Maryland Correctional Enterprises, taking into consideration other wage  
4 payments and incentives in other programs.

5 **(2) THE COMPENSATION RATE FOR INMATE LABOR IN MARYLAND**  
6 **CORRECTIONAL ENTERPRISES MAY NOT BE LESS THAN THE STATE MINIMUM WAGE**  
7 **UNDER § 3-413(C) OF THE LABOR AND EMPLOYMENT ARTICLE.**

8 (b) After review by the Management Council, and after consideration of any  
9 recommendation by the Chief Executive Officer, the Commissioner shall adopt regulations  
10 in accordance with Title 10, Subtitle 1 of the State Government Article that govern the  
11 method and time of compensation payments.

12 9-615.

13 (a) This section applies to an inmate in a State or local correctional facility.

14 (b) The Department shall collect an inmate's earnings.

15 (c) **(1)** From an inmate's earnings, the Department shall:

16 [(1) if required by law, reimburse the county or State for the cost of  
17 providing food, lodging, and clothing to the inmate;

18 [(2)] **(I)** pay court ordered payments for support of dependents;

19 [(3)] **(II)** pay court ordered payments for restitution; and

20 [(4)] **(III)** pay compensation for victims of crime in accordance with  
21 subsection (d) of this section.

22 **(2) THE DEPARTMENT MAY NOT DEDUCT THE COST OF FOOD,**  
23 **LODGING, OR CLOTHING FROM AN INMATE'S EARNINGS.**

24 (d) (1) Of the earnings of an inmate in the Private Sector/Prison Industry  
25 Enhancement Certification Program of the United States Department of Justice, Bureau  
26 of Justice Assistance, the Department shall withhold 20% for compensation for victims of  
27 crime, in accordance with the requirements of the Program.

28 (2) (i) This paragraph applies to an inmate who is subject to an  
29 unsatisfied judgment of restitution.

30 (ii) If an inmate has earnings that are not covered under the  
31 provisions of paragraph (1) of this subsection, the Department shall withhold 25% for

1 compensation for victims of crime until the judgment is satisfied.

2 (3) (i) If a court in a criminal or juvenile delinquency proceeding has  
3 ordered the inmate to pay restitution, the Department shall forward the money withheld  
4 under paragraph (1) of this subsection to the Criminal Injuries Compensation Fund  
5 established under § 11–819 of the Criminal Procedure Article.

6 (ii) The Criminal Injuries Compensation Board shall distribute from  
7 the Criminal Injuries Compensation Fund any amount received under this paragraph to  
8 the person or governmental unit specified in the judgment of restitution to pay the  
9 restitution as required under § 11–607(b)(2) of the Criminal Procedure Article.

10 (4) If the inmate is not subject to a judgment of restitution or the judgment  
11 of restitution is satisfied, of the money withheld under paragraph (1) of this subsection, the  
12 Department shall pay:

13 (i) 50% into the Criminal Injuries Compensation Fund established  
14 under § 11–819 of the Criminal Procedure Article; and

15 (ii) 50% into the State Victims of Crime Fund established under §  
16 11–916 of the Criminal Procedure Article.

17 (e) The Department shall:

18 (1) credit to the inmate's account any balance that remains after paying  
19 the items in subsection (c)(1) [through (4)] of this section; and

20 (2) pay the balance in the inmate's account to the inmate within 15 days  
21 after the inmate is released.

22 **9–618.**

23 **(A) (1) THE DIVISION OF CORRECTION SHALL OFFER JOB TRAINING TO**  
24 **ALL INMATES WHO WISH TO PARTICIPATE.**

25 **(2) THE MARYLAND DEPARTMENT OF LABOR SHALL PARTNER WITH**  
26 **LABOR UNIONS, TRADE ASSOCIATIONS, AND EDUCATIONAL INSTITUTIONS TO**  
27 **DEVELOP THE JOB TRAINING PROGRAMS TO BE OFFERED.**

28 **(3) THE JOB TRAINING OFFERED SHALL FOCUS ON MARKETABLE**  
29 **SKILLS.**

30 **(B) (1) THE DIVISION SHALL OFFER EDUCATIONAL COURSES TO ALL**  
31 **INMATES WHO WISH TO PARTICIPATE.**

32 **(2) EDUCATIONAL OFFERINGS SHALL INCLUDE:**

1 (I) COURSES ABOVE GED LEVEL;

2 (II) FINANCIAL LITERACY;

3 (III) INVESTING; AND

4 (IV) CIVICS.

5 (C) ON OR BEFORE MARCH 1 ANNUALLY, THE DEPARTMENT SHALL REPORT  
6 TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE  
7 GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE JOB TRAINING AND  
8 EDUCATIONAL COURSES OFFERED BY THE DIVISION DURING THE PRECEDING  
9 CALENDAR YEAR, INCLUDING:

10 (1) A LISTING AND DESCRIPTION OF EACH TRAINING MODULE AND  
11 EDUCATIONAL COURSE OFFERED ALONG WITH THE NUMBER OF STUDENTS  
12 PARTICIPATING IN EACH; AND

13 (2) THE NUMBER OF INMATES WHO RECEIVED DIPLOMAS,  
14 CERTIFICATES, OR OTHER PROGRAM COMPLETIONS, BY CATEGORY.

15 (D) (1) THE MARYLAND DEPARTMENT OF LABOR SHALL, ON AN  
16 ONGOING BASIS, EVALUATE THE JOB TRAINING AND EDUCATIONAL COURSES  
17 OFFERED BY THE DIVISION, AND, ON OR BEFORE DECEMBER 31 EVERY 3 YEARS  
18 BEGINNING DECEMBER 31, 2023, REPORT TO THE GOVERNOR AND, IN ACCORDANCE  
19 WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY  
20 ON:

21 (I) THE EXTENT TO WHICH THE COURSES OFFERED MEET THE  
22 TRAINING AND EDUCATIONAL GOALS FOR WHICH THEY WERE ESTABLISHED;

23 (II) THE DEGREE OF PARTICIPATION IN EACH COURSE AND  
24 REASONS FOR LOW PARTICIPATION IN ANY COURSE;

25 (III) ANY SECURITY CONCERNS THAT PRESENT BARRIERS TO  
26 THE IMPLEMENTATION OF A COURSE; AND

27 (IV) RECOMMENDATIONS FOR ANY NEW OR MODIFIED  
28 PROGRAMMING.

29 (2) THE MARYLAND DEPARTMENT OF LABOR SHALL CONSIDER THE  
30 FOOTPRINT, PHYSICAL STRUCTURE, AND STAFFING OF DIVISION FACILITIES IN

1 **MAKING ANY RECOMMENDATION FOR NEW OR MODIFIED PROGRAMMING.**

2           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
3 October 1, 2022.