

HOUSE BILL 1123

E5

3lr1868

By: **Delegates Young, Addison, Boyce, Crutchfield, Davis, J. Long, McCaskill, Pasteur, Phillips, Simpson, Toles, Vogel, Wilkins, and Williams**

Introduced and read first time: February 10, 2023

Assigned to: Appropriations and Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Maryland Correctional Enterprises – Minimum Wage**
3 **and Inmate Financial Accounts**

4 FOR the purpose of requiring the compensation rate for inmate labor in Maryland
5 Correctional Enterprises to be not less than the State minimum wage rate; providing
6 for the use of funds in certain inmate accounts; requiring certain classes for inmates
7 to be included in the mandatory workforce skills training program administered by
8 the Maryland Department of Labor; and generally relating to Maryland Correctional
9 Enterprises, inmate labor, and inmate financial accounts.

10 BY repealing and reenacting, with amendments,
11 Article – Correctional Services
12 Section 3–514 and 3–609
13 Annotated Code of Maryland
14 (2017 Replacement Volume and 2022 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Labor and Employment
17 Section 3–413(c)(1)
18 Annotated Code of Maryland
19 (2016 Replacement Volume and 2022 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Labor and Employment
22 Section 11–902(c)
23 Annotated Code of Maryland
24 (2016 Replacement Volume and 2022 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Correctional Services**

2 3–514.

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

7 **(2) THE COMPENSATION RATE FOR INMATE LABOR IN MARYLAND**
8 **CORRECTIONAL ENTERPRISES MAY NOT BE LOWER THAN THE MINIMUM WAGE**
9 **UNDER § 3–413(C)(1) OF THE LABOR AND EMPLOYMENT ARTICLE.**

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

14 3–609.

15 (a) A correctional facility in the Division shall maintain a reserve financial
16 account and a spending financial account for each inmate in the correctional facility.

17 (b) The accounts of an inmate may be charged for:

18 (1) the reasonable value of any State property that the inmate:

19 (i) willfully or maliciously destroys; or

20 (ii) destroys as the result of gross negligence; or

21 (2) any fees assessed under § 2–118 of this article.

22 **(C) (1) (I) IF THE MONTHLY BALANCE OF AN INMATE’S ACCOUNT IS**
23 **EQUAL TO OR GREATER THAN \$4,000, THE INMATE SHALL HAVE ACCESS TO 5% OF**
24 **THE BALANCE FOR THE PURCHASE OF ITEMS AT THE PRISON COMMISSARY.**

25 **(II) IF THE MONTHLY BALANCE OF AN INMATE’S ACCOUNT IS AT**
26 **LEAST \$200 AND NOT GREATER THAN \$4,000, THE INMATE SHALL HAVE ACCESS TO**
27 **\$200 OF THE BALANCE FOR THE PURCHASE OF ITEMS AT THE PRISON COMMISSARY.**

28 **(III) IF THE MONTHLY BALANCE OF AN INMATE’S ACCOUNT IS**
29 **LESS THAN \$200, THE INMATE SHALL HAVE ACCESS TO THE FULL BALANCE FOR**
30 **PURCHASE OF ITEMS AT THE PRISON COMMISSARY.**

1 **(2) AFTER THE AMOUNT TO WHICH THE INMATE IS ENTITLED UNDER**
2 **PARAGRAPH (1) OF THIS SUBSECTION IS DEDUCTED, THE REMAINDER SHALL BE**
3 **USED TO PAY ANY COURT-ORDERED FINANCIAL OBLIGATIONS.**

4 **(3) ANY BALANCE REMAINING IN THE INMATE'S ACCOUNT AFTER THE**
5 **REQUIREMENTS OF PARAGRAPHS (1) AND (2) OF THIS SUBSECTION HAVE BEEN MET**
6 **MAY BE:**

7 **(I) PROVIDED TO THE INMATE'S FAMILY AT THE DIRECTION OF**
8 **THE INMATE; OR**

9 **(II) SAVED IN THE INMATE'S ACCOUNT TO BE PROVIDED TO THE**
10 **INMATE ON RELEASE.**

11 **[(c)] (D)** The Commissioner shall adopt regulations that:

12 (1) set forth those items that may be credited to or disbursed from an
13 account under this section;

14 **(2) ENSURE THE IMMEDIATE RELEASE OF THE BALANCE FOR AN**
15 **ACCOUNT UNDER THIS SECTION ON RELEASE OF THE INMATE; and**

16 **[(2)] (3)** set forth procedures for carrying out this section, including
17 procedures that provide due process of law to each inmate before the inmate's accounts may
18 be charged with a disbursement under subsection (b) of this section.

19 **Article – Labor and Employment**

20 3–413.

21 (c) (1) Subject to § 3–413.1 of this subtitle and except as provided in paragraph
22 (2) of this subsection, the State minimum wage rate is:

23 (i) for the 12–month period beginning July 1, 2017, \$9.25 per hour;

24 (ii) for the 18–month period beginning July 1, 2018, \$10.10 per hour;

25 (iii) for the 12–month period beginning January 1, 2020, \$11.00 per
26 hour;

27 (iv) for the 12–month period beginning January 1, 2021, \$11.75 per
28 hour;

29 (v) for the 12–month period beginning January 1, 2022, \$12.50 per
30 hour;

1 (vi) for the 12-month period beginning January 1, 2023, \$13.25 per
2 hour;

3 (vii) for the 12-month period beginning January 1, 2024, \$14.00 per
4 hour; and

5 (viii) beginning January 1, 2025, \$15.00 per hour.

6 11-902.

7 (c) (1) The Council shall adopt regulations for all correctional institutions in
8 the Division of Correction for the implementation of a mandatory workforce skills training
9 program for all inmates as provided in this subsection.

10 (2) The regulations shall apply only to an inmate who:

11 (i) has 18 months or more remaining to be served before a
12 mandatory supervision release date; and

13 (ii) is not exempted due to a medical, developmental, or learning
14 disability.

15 (3) **THE MANDATORY WORKFORCE SKILLS TRAINING PROGRAM**
16 **SHALL INCLUDE:**

17 **(I) A CLASS ON FINANCIAL LITERACY;**

18 **(II) JOB READINESS TRAINING; AND**

19 **(III) JOB PLACEMENT ASSISTANCE.**

20 (4) The Division of Correction shall report to the Parole Commission the
21 academic progress of an inmate in the mandatory workforce skills training program.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2023.