

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 701

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - Public Safety and Correctional Services)

Judicial Proceedings

Correctional Officers - Age Requirement

This departmental bill lowers the minimum age (from 21 to 19) for a correctional officer hired by the Division of Correction (DOC), the Division of Pretrial Detention and Services (DPDS), or the Patuxent Institution beginning October 1, 2023.

Fiscal Summary

State Effect: General fund expenditures may decrease beginning in FY 2024 to the extent the bill reduces overtime costs for the Department of Public Safety and Correctional Services (DPSCS), as discussed below. Revenues are not affected.

Local Effect: None.

Small Business Effect: DPSCS has determined that this bill has minimal or no impact on small businesses (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law: Chapter 439 of 2007 required the Secretary of Public Safety and Correctional Services to adopt regulations requiring that a correctional officer hired by DOC on or after October 1, 2007, be at least age 21. Chapter 670 of 2008 required the Secretary to adopt regulations requiring that a correctional officer hired by DPDS or the Patuxent Institution on or after October 1, 2008, be at least age 21. In both cases, the regulations were required to exempt any honorably discharged veteran or reserve member of the U.S. Armed Forces from the minimum age requirement.

In addition to the minimum age requirement, an applicant for a State or local correctional officer position must (1) be a U.S. citizen or resident alien (and submit proof of status) and (2) possess at least a high school diploma or a GED certificate, as specified. Also, Chapter 407 of 2015 requires that an applicant for a position as a State correctional officer be subject to a polygraph examination before being appointed to the position.

Background: DPSCS advises that it has faced challenges hiring correctional officers in recent years. **Exhibit 1** shows the total number of correctional officer applicants and hires for DPSCS from calendar 2014 through 2022.

Exhibit 1
DPSCS Correctional Officer Applicants, Hires, and Hiring Rate
Calendar 2014-2022

<u>Calendar Years</u>	<u>Number of Applicants</u>	<u>Number Hired</u>	<u>Hiring Rate</u>
2014	11,137	425	3.8%
2015	9,276	376	4.1%
2016	9,581	63	0.7%
2017	5,688	102	1.8%
2018	4,286	160	3.7%
2019	4,571	267	5.8%
2020	3,818	491	12.9%
2021*	2,666	463	17.4%
2022*	2,873	316	11.0%

DPSCS: Department of Public Safety and Correctional Services

Note: 2021 and 2022 numbers include entry and experienced level applicants and hires.

Source: Department of Public Safety and Correctional Services; Department of Legislative Services

As shown above, while the number of applicants in calendar 2022 increased, the hiring rate decreased in comparison to recent prior years. DPSCS advises that it has made great strides in prioritizing recruitment, implementing compensation changes, and offering hiring and retention incentives. Even so, due to the rate of attrition and the high percentage of currently employed correctional officers who are eligible for retirement, DPSCS advises that it needs to continue increasing the pool of correctional officer applicants and the number of correctional officers hired. To that end, DPSCS advises that it believes that a key component of success is to lower the age an individual is eligible to be considered for employment as a State correctional officer.

State Expenditures: To the extent the bill enables DPSCS to hire additional qualified applicants to fill existing vacancies, overtime expenditures likely decrease. However, any decrease in overtime costs cannot be reliably estimated at this time.

For context, as of January 1, 2023, there were 595 vacant correctional officer positions within DPSCS.

Additional Comments: For additional information regarding this issue, please see the Department of Legislative Services' analysis of the Fiscal 2024 Maryland Executive Budget – [Department of Public Safety and Correctional Services Fiscal 2024 Budget Overview](#).

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See SB 212 of 2022; SB 44 of 2021; and HB 622 of 2020.

Designated Cross File: None.

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

Fiscal Note History: First Reader - February 19, 2023
km/lgc

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Correctional Officers – Age Requirement

BILL NUMBER: SB0701

PREPARED BY: Jennifer Beskid, Director, Office of Government & Legislative Affairs, Department of Public Safety and Correctional Services

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

OR

WILL HAVE A MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS