

ENROLLED BILL

-- Health and Government Operations/Finance --

Introduced by **Chair, Health and Government Operations Committee (By
Request - Departmental - Public Safety and Correctional Services)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Correctional Services - Maryland Correctional Enterprises - Open Market**
3 **Sales - Food Service**

4 FOR the purpose of authorizing the Maryland Correctional Enterprises to sell on the
5 open market goods and services related to the preparation or distribution of food
6 or services related to agriculture or seafood processing under certain
7 circumstances; requiring the adoption of certain regulations; requiring the
8 payment of wages at a certain minimum level; *providing that this Act applies*
9 *only to certain inmates*; and generally relating to food and agricultural services
10 and seafood processing.

11 BY repealing and reenacting, with amendments,
12 Article - Correctional Services
13 Section 3-516
14 Annotated Code of Maryland
15 (1999 Volume and 2005 Supplement)

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

3 **Article - Correctional Services**

4 3-516.

5 (a) Except as authorized under subsection (b) of this section, goods and
6 services of Maryland Correctional Enterprises may not be sold on the open market.

7 (b) Goods and services of Maryland Correctional Enterprises may be sold on
8 the open market:

9 (1) if they are produced or provided by an individual on parole or in a
10 work release program;

11 (2) if the sale is made to a charitable, civic, educational, fraternal, or
12 religious agency, association, or institution for its own use and not for resale within 1
13 year of the purchase;

14 (3) to a person for national defense purposes if not prohibited by an act of
15 Congress;

16 (4) if they are surplus goods remaining after meeting the forecasted
17 requirements of units of State government and political subdivisions and the goods
18 remain unsold 1 year after being produced;

19 (5) for use by a contractor or subcontractor in performance of a contract
20 with a unit of State government or any other governmental unit in the State; [or]

21 (6) as allowed under the Private Sector/Prison Industry Enhancement
22 Certification Program of the United States Department of Justice, Bureau of Justice
23 Assistance; OR

24 (7) IF THEY ARE RELATED TO THE PREPARATION OR DISTRIBUTION OF
25 FOOD OR SERVICES RELATED TO AGRICULTURE OR SEAFOOD PROCESSING, WHEN
26 THE FOLLOWING CONDITIONS ARE MET:

27 (I) THE STATE LABOR POOLS ARE DIMINISHED; AND

28 (II) IT HAS BEEN DETERMINED THAT INMATE LABOR IS THE
29 AVAILABLE SOURCE.

30 (C) (1) THE SECRETARY AND THE SECRETARY OF LABOR, LICENSING, AND
31 REGULATION SHALL ADOPT REGULATIONS THAT SPECIFY HOW TO DETERMINE THE
32 NEED FOR INMATE LABOR UNDER SUBSECTION (B)(7) OF THIS SECTION.

33 (2) WAGES PAID TO INMATES UNDER SUBSECTION (B)(7) OF THIS
34 SECTION MAY NOT BE LESS THAN WAGES PAID FOR SIMILAR WORK IN THE PRIVATE

1 SECTOR OF THE SAME LOCALITY AS DETERMINED BY THE SECRETARY OF LABOR,
2 LICENSING, AND REGULATION.

3 (3) *INMATE LABOR UNDER SUBSECTION (B)(7) OF THIS SECTION*
4 *APPLIES ONLY TO INMATES AT THE MINIMUM, PRERELEASE, AND WORK RELEASE*
5 *SECURITY LEVELS.*

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
7 effect October 1, 2006.