

# HOUSE BILL 11

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HB 1147/11 – HGO

(PRE-FILED)

8lr0400

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By: **Delegate Folden**

Requested: July 24, 2017

Introduced and read first time: January 10, 2018

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Maryland Correctional Enterprises Goods and Services**  
3 **– Sales to Individuals Employed by the State Government**

4 FOR the purpose of authorizing the sale of goods and services of Maryland Correctional  
5 Enterprises on the open market to an individual employed by the State government;  
6 and generally relating to Maryland Correctional Enterprises.

7 BY repealing and reenacting, with amendments,

8 Article – Correctional Services

9 Section 3–516

10 Annotated Code of Maryland

11 (2017 Replacement Volume)

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

14 **Article – Correctional Services**

15 3–516.

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

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

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

22 (2) if the sale is made to a charitable, civic, educational, fraternal, or

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 religious agency, association, or institution for its own use and not for resale within 1 year  
2 of the purchase;

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

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

8 (5) for use by a contractor or subcontractor in performance of a contract  
9 with a unit of State government or any other governmental unit in the State;

10 (6) as allowed under the Private Sector/Prison Industry Enhancement  
11 Certification Program of the United States Department of Justice, Bureau of Justice  
12 Assistance; [or]

13 (7) if they are related to the preparation or distribution of food or services  
14 related to agriculture or seafood processing, when the following conditions are met:

15 (i) the State labor pools are diminished; and

16 (ii) it has been determined that inmate labor is the available source;

17 **OR**

18 **(8) IF THE SALE IS MADE TO AN INDIVIDUAL EMPLOYED BY THE STATE**  
19 **GOVERNMENT.**

20 (c) (1) The Secretary and the Secretary of Labor, Licensing, and Regulation  
21 shall adopt regulations that specify how to determine the need for inmate labor under  
22 subsection (b)(7) of this section.

23 (2) Wages paid to inmates under subsection (b)(7) of this section may not  
24 be less than wages paid for similar work in the private sector of the same locality as  
25 determined by the Secretary of Labor, Licensing, and Regulation.

26 (3) Inmate labor under subsection (b)(7) of this section applies only to  
27 inmates at the minimum, prerelease, and work release security levels.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2018.