

HOUSE BILL 102

E4

(PRE-FILED)

1r1160
CF SB 194

By: **Delegates Hill and Feldmark**

Requested: October 27, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary

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 from deducting certain
8 costs from an inmate's earnings; requiring the Division of Correction to offer job
9 training to certain inmates; requiring the Division to partner with labor unions and
10 trade associations to develop certain training programs; requiring certain training
11 to focus on certain skills; requiring the Division to offer educational courses to certain
12 inmates; requiring certain educational courses to include certain types of courses
13 and subjects; requiring the Department to report to the Governor and General
14 Assembly on certain matters on or before a certain date annually; making a
15 conforming change; and generally relating to inmates.

16 BY repealing and reenacting, with amendments,
17 Article – Correctional Services
18 Section 3–514 and 9–615
19 Annotated Code of Maryland
20 (2017 Replacement Volume and 2020 Supplement)

21 BY adding to
22 Article – Correctional Services
23 Section 9–617
24 Annotated Code of Maryland
25 (2017 Replacement Volume and 2020 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
27 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 LESS THAN THE STATE MINIMUM WAGE**
9 **UNDER § 3–413(C) 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 9–615.

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

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

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

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

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

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

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

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

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

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

3 (ii) If an inmate has earnings that are not covered under the
4 provisions of paragraph (1) of this subsection, the Department shall withhold 25% for
5 compensation for victims of crime until the judgment is satisfied.

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

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

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

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

19 (ii) 50% into the State Victims of Crime Fund established under §
20 11–916 of the Criminal Procedure Article.

21 (e) The Department shall:

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

24 (2) pay the balance in the inmate’s account to the inmate within 15 days
25 after the inmate is released.

26 **9–617.**

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

29 **(2) THE DIVISION OF CORRECTION SHALL PARTNER WITH LABOR**
30 **UNIONS AND TRADE ASSOCIATIONS TO DEVELOP THE JOB TRAINING PROGRAMS TO**
31 **BE OFFERED.**

32 **(3) THE JOB TRAINING OFFERED SHALL FOCUS ON MARKETABLE**
33 **SKILLS.**

1 **(B) (1) THE DIVISION OF CORRECTION SHALL OFFER EDUCATIONAL**
2 **COURSES TO ALL INMATES WHO WISH TO PARTICIPATE.**

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

4 **(I) COURSES ABOVE GED LEVEL;**

5 **(II) FINANCIAL LITERACY;**

6 **(III) INVESTING; AND**

7 **(IV) CIVICS.**

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

13 **(1) A LISTING AND DESCRIPTION OF EACH TRAINING MODULE AND**
14 **EDUCATIONAL COURSE OFFERED ALONG WITH THE NUMBER OF STUDENTS**
15 **PARTICIPATING IN EACH; AND**

16 **(2) THE NUMBER OF INMATES WHO RECEIVED DIPLOMAS,**
17 **CERTIFICATES, OR OTHER PROGRAM COMPLETIONS, BY CATEGORY.**

18 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
19 **October 1, 2021.**