

SB 187 Testimony Final.pdf

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Administrative, Executive, and
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Children, Youth, and Families

Senate Chair, Legislative Ethics

Chair

Baltimore County Senate Delegation



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony for SB 187
Correctional Services—Inmate Employment—Agricultural Work
February 7, 2024

Good afternoon, Chair Smith, and members of the Judicial Proceedings Committee,

Senate Bill 187 (“SB 187”) reintroduces 2023 House Bill 747 which passed the House with a 131—4 vote and unfortunately, due to time constraints, did not make it out of this committee. SB 187 repeals § 9-515 of our Code’s Correctional Services Article, which authorizes incarcerated individuals to harvest crops at camps in Queen Anne’s or other counties, in its entirety. Something that should have been done long ago.

The first iteration of this law, enacted in 1916, allowed incarcerated individuals to work “on the public roads and highways” of the state.¹ Then, in 1943 this body, repealed and re-enacted this law, to continue authorizing incarcerated individuals to perform work on roadways, and authorized the Board of Corrections to arrange for incarcerated individuals to work at camps, namely in Queen Anne’s County, to harvest crops from August 1st through November 30th each year.² Finally, in 1999, the Correctional Services Article Review Committee noted that the “General Assembly may wish to repeal this section as obsolete,” as no camps existed in Queen Anne’s County, and no incarcerated individuals were being used in agricultural work as authorized by this section. Further, on Wednesday January 24, 2024, the Department of Public Safety and Corrections confirmed via email that these camps no longer exist.

As § 9-515 of our Code’s Correctional Services Article, is an antiquated law, I respectfully urge the Committee to vote in favor of SB 187.

¹ See Md. Code Ann., § 211(1916).

² See Md. Code Ann., § 720 (1943).

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TESTIMONY IN SB 187

Correctional Services - Inmate Employment - Agricultural Work *Judicial Proceedings* February 7, 2024

Social Work Advocates for Social Change strongly supports SB 187, which would remove the Division of Correction's authority to require incarcerated persons to work on for-profit farms. The authority given to the Division of Correction has the potential for harming people in Maryland and repeating historical mistakes.

SB 187 addresses the exploitative labor practices that are standard for individuals who are incarcerated in Maryland. According to the Maryland Correctional Enterprises' (MCE) 2020 Annual Report, the lowest wages for incarcerated workers started at 17 cents per hour and went up to \$1.16 per hour.¹ People who are incarcerated are paid pennies while MCE profits from their labor. This is exploitative. Maintaining the status quo would only be an opportunity for the MCE and farmers to further exploit the people who are incarcerated.

SB 187 will improve racial equity in Maryland. In 2019, the rate of Black people in prison was 71% when Black people make 29% of the state population.² There is a racial disparity in terms of who is incarcerated. As a result, maintaining this antiquated law has the potential to disproportionately impact Black people.

SB 187 would remove an antiquated law that is related to the legacy of slavery. The 13th Amendment abolished slavery except in cases of incarceration. The amendment, ratified in 1865, states that "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."³ As a state, we should work to dismantle the legal frameworks that sustain this modern day form of slavery.

¹ Maryland Correctional Enterprises. (2020, October 1). *Annual Report FY2020*. (p. 13). https://www.mce.md.gov/Portals/0/PDF2020/Annual%20Report%202020_12_9.pdf

² Nellis, A. (2021). *The Color of Justice: Racial and Ethnic Disparity in State Prisons*. The Sentencing Project. (p. 20). <https://www.sentencingproject.org/app/uploads/2022/08/The-Color-of-Justice-Racial-and-Ethnic-Disparity-in-State-Prisons.pdf>

³ National Archives. (2022, May 10). 13th Amendment to the U.S. Constitution: Abolition of Slavery (1865). <https://www.archives.gov/milestone-documents/13th-amendment#:~:text=The%2013th%20Amendment%20to%20the%20United%20States%20Constitution%20provides%20that,place%20subject%20to%20their%20jurisdiction.%22>



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SB 187 protects workers. There are few protections for incarcerated workers and few opportunities to file complaints.⁴ It is not rehabilitative to force individuals to work for farmers without legal protections. If this work were truly rehabilitative, workers would have autonomy to choose their work and they would be paid fairly. As things stand, this is not the case.

A favorable report on SB 187 would be a step towards protecting Marylanders. As we move forward as a state, we should work to rectify this form of institutionalized racism.

Social Work Advocates for Social Change urges a favorable report on SB 187. Thank you for the committee's time and consideration.

Social Work Advocates for Social Change is a coalition of MSW students at the University of Maryland School of Social Work that seeks to promote equity and justice through public policy, and to engage the communities impacted by public policy in the policymaking process.

⁴ McDowell, R. & Mason, M. (2024, January 29). The Associated Press.
<https://apnews.com/article/prison-to-plate-inmate-labor-investigation-c6f0eb4747963283316e494eadf08c4e>