

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE
Revised

House Bill 1235 (Delegate Nathan-Pulliam. *et al.*)

Judiciary

Correctional Officers - Private Firms - Training Requirements

This bill expands the definition of “correctional officer”, under provisions relating to the Correctional Training Commission, to include employees of private contractors or vendors whose duties are connected with the investigation, care, custody, control, or supervision of incarcerated persons. The bill also allows the minimum qualifications for a correctional officer to be determined by a training program approved by the commission. Under current law, a determination of minimum qualifications may be made by the commission only.

The bill is applied only to employees of a private contractor or vendor under a contract for services entered into, extended, or renewed on or after October 1, 1998.

Fiscal Summary

State Effect: None.

Local Effect: Potential indeterminate expenditure increases. Revenues would be negligibly affected.

Small Business Effect: Potential meaningful effect on small businesses.

Fiscal Analysis

Background: The Correctional Training Commission provides training of correctional officers. Training for State correctional officers is provided free of charge. Training provided for correctional officers of local jurisdictions is provided at a cost recovery rate only. For the purposes of the discussion to follow, it is assumed that this arrangement would not be altered by the provisions of this bill.

The Division of Correction currently uses private contractors or vendors to provide some medical services and food services. However, the division’s regular employees who perform

these services, but who are not responsible for the actual custody of inmates, are not considered correctional officers. It is assumed that any employees of contractors or vendors whose duties do not include actual custody of prisoners would not be considered correctional officers even under the expanded definition.

State Revenues: This bill would result in an indeterminate increase in revenues to the Correctional Training Commission corresponding to greater numbers of persons being trained by the commission at their correctional training facility. Since the commission's current charges (\$50 per trainee per day) for correctional officer training is set at cost recovery only, the net effect would be zero.

State Expenditures: None. The Division of Correction does not currently have any outside contracts with contractors or vendors that involve correction officers, as discussed above. If the division were to engage in applicable privatizations in the future, State expenditures would still not be affected since the commission does not charge the division for correctional officer training.

Local Expenditures: Because this bill does not provide a "grandfather" provision for any current contractors or vendors, it is assumed that this bill could affect existing contracts for services as well as future contracts. There are two local jurisdictions that have privatized some services. Anne Arundel County has contracted for prisoner transportation, food service, and medical services. Baltimore County has contracted for transportation and medical services.

Under the provisions of this bill, and using the same standard for determining which types of service contracts would be included, only the current transportation contracts would be immediately affected by this bill. This could necessitate a reopening of the current contracts for renegotiation purposes by those jurisdictions. It is not clear whether the contractor or the governmental unit would be responsible for paying the commission for the training.

In any event, the employees of a private contractor or vendor providing prisoner transport services would have to successfully complete the State's correction officer training program. The costs of that training would depend on the number of employees of the contractor actually responsible for prisoner custody and transport, including full-time, part-time, and fill-in personnel. The commission currently charges \$50 per day per trainee for the full 25-day correctional officers' training program (\$1,250). For purposes of illustration, the company that has the current contract with Anne Arundel County for the transportation of prisoners uses seven employees to perform the duties of that contract. The cost of sending those employees through the commission program would total \$8,750.

The extent to which the provisions of this bill could affect other jurisdictions would depend upon future privatization considerations and contracts.

Small Business Effect: Small businesses could be meaningfully affected if they currently hold, or seek to secure, applicable service contracts. To the extent that this bill adds to the costs of those contracts small businesses in the industry could be impacted. However, since it is unclear whether this bill would result in the contracting agency or contractor being held responsible for the costs of training, or whether the commission's charges for training would ultimately remain unchanged, a more precise quantification of this effect cannot be reliably made at this time.

Information Source(s): Department of Public Safety and Correctional Services (Division of Correction, Correctional Training Commission); Anne Arundel County; Department of Legislative Services

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