

SENATE BILL 145

E4

8lr0188

By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Public Safety and Correctional Services)**

Introduced and read first time: January 18, 2008

Rules suspended

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted with floor amendments

Read second time: February 22, 2008

CHAPTER _____

1 AN ACT concerning

2 **Correctional Services – Maryland Correctional Enterprises – Goods and**
3 **Services**

4 FOR the purpose of removing the prohibition against the sale of services by Maryland
5 Correctional Enterprises; authorizing sales of goods of Maryland Correctional
6 Enterprises to certain individuals under certain circumstances; prohibiting the
7 sale of goods of Maryland Correctional Enterprises for use in any political
8 campaign activity; and generally relating to Maryland Correctional Enterprises
9 and goods and services.

10 BY repealing and reenacting, with amendments,
11 Article – Correctional Services
12 Section 3–516(a) and (b)
13 Annotated Code of Maryland
14 (1999 Volume and 2007 Supplement)

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

17 **Article – Correctional Services**

18 3–516.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 (b) ~~(1) Goods~~ **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
4 **SUBSECTION, GOODS** [and services] of Maryland Correctional Enterprises may be
5 sold on the open market:

6 ~~(1)~~ **(I)** if they are produced or provided by an individual on parole
7 or in a work release program;

8 ~~(2)~~ **(II)** if the sale is made to a charitable, civic, educational,
9 fraternal, or religious agency, association, or institution for its own use and not for
10 resale within 1 year of the purchase;

11 ~~(3)~~ **(III)** to a person for national defense purposes if not prohibited by
12 an act of Congress;

13 ~~(4)~~ **(IV)** if they are surplus goods remaining after meeting the
14 forecasted requirements of units of State government and political subdivisions and
15 the goods remain unsold 1 year after being produced;

16 ~~(5)~~ **(V)** for use by a contractor or subcontractor in performance of a
17 contract with a unit of State government or any other governmental unit in the State;

18 ~~(6)~~ **(VI)** as allowed under the Private Sector/Prison Industry
19 Enhancement Certification Program of the United States Department of Justice,
20 Bureau of Justice Assistance; [or]

21 ~~(7)~~ **(VII)** if they are related to the preparation or distribution of food
22 or services related to agriculture or seafood processing, when the following conditions
23 are met:

24 ~~(i)~~ **1.** the State labor pools are diminished; and

25 ~~(ii)~~ **2.** it has been determined that inmate labor is the
26 available source; **OR**

27 ~~(8)~~ **(VIII) TO AN INDIVIDUAL EMPLOYED BY THE STATE OR A**
28 **STATE-AIDED OR STATE-CONTROLLED ENTITY.**

29 **(2) GOODS OF MARYLAND CORRECTIONAL ENTERPRISES MAY**
30 **NOT BE SOLD FOR USE IN ANY POLITICAL CAMPAIGN ACTIVITY.**

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 July 1, 2008.

