

HOUSE BILL 1471

P1

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By: **Chair, Health and Government Operations Committee (By Request – Departmental – Public Safety and Correctional Services)**

Introduced and read first time: March 2, 2009

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of altering certain provisions of law relating to the sale of goods and
4 services of Maryland Correctional Enterprises to allow goods to be sold to
5 certain State employees; authorizing services of Maryland Correctional
6 Enterprises to be sold on the open market if certain hearing and notice
7 requirements are met and a certain determination is made by the Maryland
8 Correctional Enterprises Management Council; prohibiting the sale of certain
9 goods and services for use in any political campaign activity; defining a certain
10 term; and generally relating to the sale of goods and services of Maryland
11 Correctional Enterprises.

12 BY repealing and reenacting, with amendments,
13 Article – Correctional Services
14 Section 3–516
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2008 Supplement)

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

19 **Article – Correctional Services**

20 3–516.

21 **(A) IN THIS SECTION, “GOODS” INCLUDES PRINTING.**

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **[(b) (C)]** Goods [and services] of Maryland Correctional Enterprises may be
2 sold on the open market:

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

5 (2) if the sale is made to a charitable, civic, educational, fraternal, or
6 religious agency, association, or institution for its own use and not for resale within 1
7 year of the purchase;

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

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

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

15 (6) as allowed under the Private Sector/Prison Industry Enhancement
16 Certification Program of the United States Department of Justice, Bureau of Justice
17 Assistance; or

18 (7) **TO AN INDIVIDUAL EMPLOYED BY THE STATE.**

19 **(D) (1) GOODS AND SERVICES OF MARYLAND CORRECTIONAL**
20 **ENTERPRISES MAY BE SOLD ON THE OPEN MARKET**, if they are related to the
21 preparation or distribution of food or services related to agriculture or seafood
22 processing, when the following conditions are met:

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

24 (ii) it has been determined that inmate labor is the available
25 source.

26 **[(c) (1)] (2)** The Secretary and the Secretary of Labor, Licensing, and
27 Regulation shall adopt regulations that specify how to determine the need for inmate
28 labor under **THIS** subsection **[(b)(7) of this section]**.

29 **[(2)] (3)** Wages paid to inmates under **THIS** subsection **[(b)(7) of this**
30 **section]** may not be less than wages paid for similar work in the private sector of the
31 same locality as determined by the Secretary of Labor, Licensing, and Regulation.

32 **[(3)] (4)** Inmate labor under **THIS** subsection **[(b)(7) of this section]**
33 applies only to inmates at the minimum, prerelease, and work release security levels.

1 **(E) SERVICES OF MARYLAND CORRECTIONAL ENTERPRISES MAY BE**
2 **SOLD ON THE OPEN MARKET IF:**

3 **(1) A PUBLIC HEARING IS HELD BY THE MARYLAND**
4 **CORRECTIONAL ENTERPRISES MANAGEMENT COUNCIL;**

5 **(2) AT LEAST 30 DAYS BEFORE THE HEARING, THE MARYLAND**
6 **CORRECTIONAL ENTERPRISES MANAGEMENT COUNCIL:**

7 **(I) PUBLISHES NOTICE OF THE HEARING IN THE**
8 **MARYLAND REGISTER; AND**

9 **(II) PROVIDES NOTIFICATION OF THE HEARING TO**
10 **MEMBERS OF THE GENERAL ASSEMBLY IN WHOSE DISTRICT THE SERVICE WILL**
11 **BE PROVIDED; AND**

12 **(3) FOLLOWING THE PUBLIC HEARING, THE MARYLAND**
13 **CORRECTIONAL ENTERPRISES MANAGEMENT COUNCIL:**

14 **(I) MAKES A DETERMINATION THAT THE SERVICE MAY BE**
15 **SOLD ON THE OPEN MARKET IN ACCORDANCE WITH THE REQUIREMENTS SET**
16 **FORTH IN § 3-521 OF THIS SUBTITLE; AND**

17 **(II) PROVIDES DOCUMENTATION OF THE DETERMINATION**
18 **IN THE ANNUAL REPORT TO THE GOVERNOR IN ACCORDANCE WITH § 3-522 OF**
19 **THIS SUBTITLE.**

20 **(F) GOODS AND SERVICES OF MARYLAND CORRECTIONAL**
21 **ENTERPRISES MAY NOT BE SOLD FOR USE IN ANY POLITICAL CAMPAIGN**
22 **ACTIVITY.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 July 1, 2009.