

# HOUSE BILL 1234

P2, E4

9lr2829

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By: **Delegates Ivey, Acevero, Bridges, and Wells**

Introduced and read first time: February 8, 2019

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Procurement – Correctional Facilities – Ex–Offenders**

3 FOR the purpose of requiring certain invitations to bid and requests for proposals by the  
4 Department of Public Safety and Correctional Services beginning on a certain date  
5 to require that each contractor provide documentation at a certain time showing that  
6 at least a certain percentage of its employees are ex–offenders; requiring certain  
7 procurement contracts to include a certain ex–offender employment clause beginning  
8 on a certain date; specifying the contents of the ex–offender employment clause;  
9 requiring the State to declare a certain contract void if the ex–offender employment  
10 clause is omitted; providing that if a certain contract is declared void for a certain  
11 reason, the contractor is entitled to the reasonable value of work performed and  
12 materials provided on the contract; requiring the Department and the Department  
13 of Labor, Licensing, and Regulation to jointly develop and maintain a certain secure  
14 portal on the Workforce Exchange website for a certain purpose; requiring certain  
15 contractors to submit a certain annual report to the Department; providing that a  
16 certain contractor that fails to submit a certain report is subject to a certain fine;  
17 authorizing the Department to adopt certain regulations; providing for the  
18 application of this Act; defining certain terms; and generally relating to  
19 requirements for procurements by the Department of Public Safety and Correctional  
20 Services for goods or services at correctional facilities.

21 BY adding to  
22 Article – State Finance and Procurement  
23 Section 13–228  
24 Annotated Code of Maryland  
25 (2015 Replacement Volume and 2018 Supplement)

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

28 **Article – State Finance and Procurement**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 13-228.

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
3 INDICATED.

4 (2) "CORRECTIONAL FACILITY" HAS THE MEANING STATED IN §  
5 1-101 OF THE CORRECTIONAL SERVICES ARTICLE.

6 (3) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC SAFETY  
7 AND CORRECTIONAL SERVICES.

8 (B) THIS SECTION APPLIES ONLY TO PROCUREMENTS BY THE DEPARTMENT  
9 FOR GOODS OR SERVICES AT A CORRECTIONAL FACILITY.

10 (C) BEGINNING JANUARY 1, 2020, EACH INVITATION TO BID OR REQUEST  
11 FOR PROPOSALS SHALL REQUIRE EACH CONTRACTOR TO PROVIDE  
12 DOCUMENTATION SHOWING THAT AT THE TIME THE BID OR PROPOSAL IS  
13 SUBMITTED AT LEAST 30% OF THE CONTRACTOR'S EMPLOYEES ARE  
14 EX-OFFENDERS.

15 (D) (1) BEGINNING JANUARY 1, 2020, EACH PROCUREMENT CONTRACT  
16 SHALL INCLUDE AN EX-OFFENDER EMPLOYMENT CLAUSE.

17 (2) THE EX-OFFENDER EMPLOYMENT CLAUSE SHALL REQUIRE EACH  
18 CONTRACTOR TO GIVE A HIRING PREFERENCE TO EX-OFFENDERS BY:

19 (I) REQUIRING THE CONTRACTOR TO LIST ALL JOB VACANCIES  
20 EXCLUSIVELY ON THE SECURE PORTAL ON THE WORKFORCE EXCHANGE WEBSITE  
21 DESCRIBED IN SUBSECTION (E) OF THIS SECTION FOR:

22 1. 30 DAYS IF THE POSITION REQUIRES AT LEAST A  
23 DOCTORATE LEVEL DEGREE; AND

24 2. 45 DAYS FOR ALL OTHER POSITIONS; AND

25 (II) PERMITTING THE CONTRACTOR TO ADVERTISE THE JOB  
26 VACANCY ELSEWHERE ONLY IF THE CONTRACTOR IS UNABLE TO FILL THE POSITION  
27 DURING THE PERIOD WHEN THE JOB LISTING WAS PLACED EXCLUSIVELY ON THE  
28 SECURE PORTAL OF THE WORKFORCE EXCHANGE WEBSITE.

29 (3) (I) IF THE EX-OFFENDER EMPLOYMENT CLAUSE IS OMITTED  
30 FROM A CONTRACT SUBJECT TO THIS SECTION, THE STATE SHALL DECLARE THE

1 CONTRACT TO BE VOID.

2 (II) IF THE CONTRACT IS DECLARED VOID UNDER  
3 SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE CONTRACTOR IS ENTITLED TO THE  
4 REASONABLE VALUE OF WORK THAT HAS BEEN PERFORMED AND MATERIALS THAT  
5 HAVE BEEN PROVIDED.

6 (E) THE DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING, AND  
7 REGULATION SHALL JOINTLY DEVELOP AND MAINTAIN A SECURE PORTAL ON THE  
8 WORKFORCE EXCHANGE WEBSITE FOR:

9 (1) JOB LISTINGS THAT MAY BE VIEWED ONLY BY EX-OFFENDERS;  
10 AND

11 (2) RESUMES AND RELATED INFORMATION SUBMITTED BY  
12 EX-OFFENDERS WHO HAVE COMPLETED A PRERELEASE EMPLOYMENT READINESS  
13 PROGRAM OR A JOB READINESS PROGRAM THAT MAY BE VIEWED BY PROSPECTIVE  
14 EMPLOYERS.

15 (F) (1) EACH CONTRACTOR THAT CONTRACTS WITH THE DEPARTMENT  
16 IN ACCORDANCE WITH THIS SECTION SHALL SUBMIT AN ANNUAL REPORT TO THE  
17 DEPARTMENT SETTING FORTH:

18 (I) THE NUMBER AND PERCENTAGE OF THE CONTRACTOR'S  
19 EMPLOYEES WHO ARE EX-OFFENDERS; AND

20 (II) A DESCRIPTION OF EACH TYPE OF JOB AND RATE OF  
21 COMPENSATION IN THE CONTRACTOR'S ORGANIZATION.

22 (2) A CONTRACTOR THAT FAILS TO SUBMIT THE REPORT REQUIRED  
23 UNDER THIS SUBSECTION IS SUBJECT TO A FINE NOT TO EXCEED \$500.

24 (G) THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS  
25 SECTION.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2019.