

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 44

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - Public Safety and Correctional Services)

Judicial Proceedings

Correctional Officers - Age Requirement

This departmental bill lowers the minimum age (from 21 to 19) for a correctional officer hired by the Division of Correction (DOC), the Division of Pretrial Detention and Services (DPDS), or the Patuxent Institution beginning October 1, 2021.

Fiscal Summary

State Effect: General fund expenditures may decrease to the extent the bill reduces overtime costs for the Department of Public Safety and Correctional Services (DPSCS), as discussed below. Revenues are not affected.

Local Effect: None.

Small Business Effect: DPSCS has determined that this bill has minimal or no impact on small businesses (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law: Chapter 439 of 2007 required the Secretary of Public Safety and Correctional Services to adopt regulations requiring that a correctional officer hired by DOC on or after October 1, 2007, be at least age 21. Chapter 670 of 2008 required the Secretary to adopt regulations requiring that a correctional officer hired by DPDS or the Patuxent Institution on or after October 1, 2008, be at least age 21. In both cases, the regulations were required to exempt any honorably discharged veteran or reserve member of the U.S. Armed Forces from the minimum age requirement.

In addition to the minimum age requirement, an applicant for a State or local correctional officer position must (1) be a U.S. citizen or resident alien (and submit proof of status) and (2) possess at least a high school diploma or a General Education Development certificate, as specified. Also, Chapter 407 of 2015 requires that an applicant for a position as a State correctional officer be subject to a polygraph examination before being appointed to the position.

Background: DPSCS advises that it has faced challenges hiring correctional officers in recent years. **Exhibit 1** shows the total number of correctional officer applicants and hires for DPSCS from calendar 2013 through 2020.

Exhibit 1
DPSCS Correctional Officer Applicants, Hires, and Hiring Rate
Calendar 2013-2020

<u>Calendar Years</u>	<u>Number of Applicants</u>	<u>Number Hired</u>	<u>Hiring Rate</u>
2013	11,673	605	5.2%
2014	11,137	425	3.8%
2015	9,276	376	4.1%
2016	9,581	63	0.7%
2017	5,688	102	1.8%
2018	4,286	160	3.7%
2019	4,571	267	5.8%
2020	3,818	491	12.9%

DPSCS: Department of Public Safety and Correctional Services

Source: Department of Public Safety and Correctional Services; Department of Legislative Services

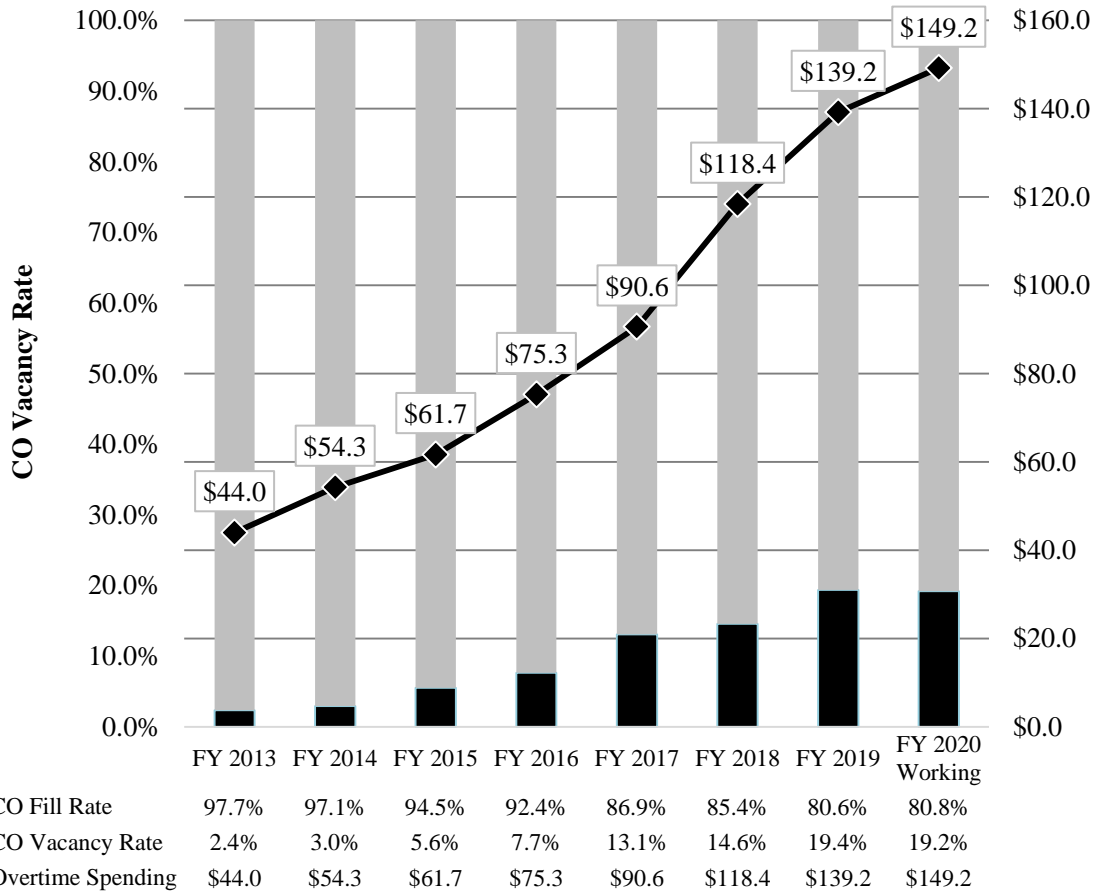
As shown above, the hiring rate in calendar 2020 greatly exceeded the hiring rate in prior years. DPSCS advises that it has made great strides in streamlining the correctional officer hiring process, adjusting those process flows in the reorganization that were unsuccessful, prioritizing recruitment, and offering hiring and retention bonuses. Even so, due to the rate of attrition and the high percentage of currently employed correctional officers who are eligible for retirement, DPSCS advises that it needs to continue increasing the pool of correctional officer applicants and the number of correctional officers hired. To that end, DPSCS advises that it believes that a key component of success is to lower the age an individual is eligible to be considered for employment as a State correctional officer.

DPSCS reports that two states (Alabama and Missouri) may hire correctional officers at age 19 and that two states (North Carolina and Oklahoma) may hire correctional officers at age 20. In Delaware, the minimum age to hire a correctional officer is age 19 and six months. In Florida, the minimum age to hire a correctional officer is 18. In New Hampshire, a trainee correctional officer may be hired at age 18 but may not be fully appointed as a correctional officer until age 20.

State Expenditures: To the extent the bill enables DPSCS to hire additional qualified applicants to fill existing vacancies, overtime expenditures likely decrease. However, any decrease in overtime costs cannot be reliably estimated at this time.

Exhibit 2 shows the overtime expenditures and correctional officer vacancy rates from fiscal 2013 through 2020.

Exhibit 2
Overtime Expenditures and Correctional Officer Vacancy Rate
Fiscal 2013-2020
(\$ in Millions)



CO: correctional officer

Note: Fiscal 2013 to 2019 adjusted by 7.3% to account for Social Security costs assessed on overtime.

Source: Department of Public Safety and Correctional Services; Department of Legislative Services

Additional Information

Prior Introductions: House Bill 622 of 2020 received a hearing in the House Judiciary Committee, but no further action was taken.

Designated Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services;
Department of Legislative Services

Fiscal Note History: First Reader - January 12, 2021
rh/lgc

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Correctional Officers – Age Requirement

BILL NUMBER: SB 44

PREPARED BY: Catherine Kahl, Deputy Director, Government & Legislative Affairs

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS