

SB 212

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 212

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

Judicial Proceedings

Correctional Officer - Employment - 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, 2022.

Fiscal Summary

State Effect: General fund expenditures may decrease beginning in FY 2023 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 GED 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 2014 through 2021.

Exhibit 1
DPSCS Correctional Officer Applicants, Hires, and Hiring Rate
Calendar 2014-2021

<u>Calendar Years</u>	<u>Number of Applicants</u>	<u>Number Hired</u>	<u>Hiring Rate</u>
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%
2021*	2,666	463	17.4%

DPSCS: Department of Public Safety and Correctional Services

Note: 2021 numbers include entry and experienced level applicants and hires.

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

As shown above, while the number of applicants in calendar 2021 continued to decrease, the hiring rate increased over 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 all 24 counties in the State are able to hire correctional officers at the age of 18, and the federal Bureau of Prisons is able to hire at the age of 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 number of filled correctional officer positions, the average daily inmate population, the inmate-to-staff ratio, and overtime costs from fiscal 2014 through 2021. As shown below, overtime costs have increased significantly in recent years.

Exhibit 2
**Correctional Officer Filled Positions, Average Daily Inmate Population,
Inmate-to-staff Ratio, and Overtime Costs**
Fiscal 2014-2021

<u>Fiscal Years</u>	<u>Filled CO Positions</u>	<u>Average Daily Population</u>	<u>Inmate-to-staff Ratio</u>	<u>Overtime Costs (\$ in Millions)</u>
2014	6,816.25	24,845	3.6	\$54.3
2015	6,732.25	23,991	3.6	\$61.7
2016	6,531.25	23,219	3.6	\$75.3
2017	6,133.50	22,744	3.7	\$90.6
2018	5,647.25	21,732	3.8	\$118.4
2019	5,164.25	21,316	4.1	\$129.7
2020	4,939.50	20,540	4.2	\$140.3
2021	5,001.50	18,276	3.7	\$142.0

CO: correctional officer

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

Additional Information

Prior Introductions: SB 44 of 2021 received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken. HB 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 11, 2022
fnu2/lgc

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Correctional Officer - Employment - Age Requirement

BILL NUMBER: SB0212

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PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

OR

WILL HAVE A MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS