

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 761
Judiciary

(Delegate Phillips, *et al.*)

Judicial Proceedings

Correctional Services - Inmate Labor - Alterations

This bill *authorizes* each male inmate of a State or local correctional facility to work on public roads instead of authorizing each male inmate to *be required to* work on public roads.

Fiscal Summary

State Effect: The bill is not expected to have a material impact on State operations or finances.

Local Effect: The bill is not expected to have a material impact on local government operations or finances.

Small Business Effect: None.

Analysis

Current Law: State law provides that it is the policy of the State that, because of the enforced idleness of inmates, it is necessary and desirable that useful work on projects in the State be found for inmates and that those inmates who may be used safely for maintenance, construction, or reconstruction projects must be assigned that work.

With the exception of Baltimore City (specifically the Baltimore City Detention Center, the Mayor and City Council of Baltimore, and the public roads of Baltimore City), each male inmate of a State or local correctional facility *may be required to* work on public roads in accordance with the following provisions:

Certification to Governor of Inmates Available for Road Work: The Governor may require that the Commissioner of Correction certify to the Governor the number of male inmates who are confined in correctional facilities in the Division of Correction (DOC) and who are available and physically able to work on public roads of the State. In addition, if the governing body of a county or municipality desires that inmates of a correctional facility under its jurisdiction work on public roads of the State, the governing body may certify to the Governor the number of male inmates who are available and physically able to perform the work.

Assignment of Inmates – State Highway Administration: On receipt of the required certification, the Governor may assign to the State Highway Administration (SHA), and SHA must employ, as many of the inmates certified to the Governor as SHA can profitably employ to construct, repair, or maintain the public roads under its jurisdiction. After the Governor has assigned inmates to SHA, from the remaining inmates certified to the Governor, the Governor may assign the number of inmates that the Governor considers equitable among counties and municipal corporations requesting inmates.

Assignment of Inmates – Local Jurisdictions: The governing body of a county or municipality also may request that the Governor furnish the number of inmates that the county or municipality can profitably employ to construct, repair, or maintain the public roads under its jurisdiction.

Duty to Guard, Transport, and Provide Care and Payment of Expenses: DOC must provide, or make arrangements that it considers to be adequate and proper to provide, for the guarding, transporting, lodging, feeding, clothing, and medical and other care of inmates while the inmates are working on public roads. For inmates assigned to SHA, the State must pay the expenses incurred. For inmates assigned to a municipality or county, the municipality or county must pay the expenses incurred under arrangements made with, or satisfactory to, DOC.

All expenses incurred and disbursements made by DOC for the guarding, transporting, lodging, feeding, clothing, and medical and other care of inmates working for SHA must be paid out of money in the Treasury that has not been otherwise appropriated and is available for those purposes or out of money appropriated for those purposes. However, DOC is prohibited from paying the expenses out of money appropriated for those purposes unless the Governor approves the payment and orders the Comptroller to make the payment. The Comptroller is required to draw a warrant on the Treasury, as specified, for the amount ordered by the Governor.

A county or municipality to which inmates have been assigned may make any appropriations, assessments, and levies necessary to enable the county or municipality to pay the expenses and payments authorized or required.

Daily Payments to the Division of Correction: For each inmate assigned to and employed by SHA or a county or municipality, respectively, SHA, the county, or the municipality must pay to DOC the daily sum agreed on with DOC for each day that the inmate is employed. From the payments made, DOC (1) must hold an amount, as determined by the division, to the credit of the inmate on whose account the payments were made and (2) on release or discharge of the inmate, must pay to the inmate those payments held by DOC to the credit of the inmate. However, if DOC finds that the wife, child, or other dependent of an inmate needs financial support, the division may pay all or part of the payments made, as the division considers proper, to the dependent. The payments required to be made by SHA under these provisions must be paid out of SHA's appropriation.

Diminution Credits: An inmate working on public roads in accordance with these provisions is entitled to the same deductions or allowances for good behavior, observance of discipline and rules, and diligent and faithful labor, and is subject to the same forfeitures or punishments for bad behavior and other violations that otherwise apply to inmates under the laws of the State.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Baltimore, Cecil, Frederick, and Montgomery counties; City of Havre de Grace; Department of Public Safety and Correctional Services; Maryland Department of Transportation; Department of Legislative Services

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