

HOUSE BILL 289

E5
HB 1405/24 – JUD

(PRE-FILED)

5lr1174

By: **Delegate Metzgar**
Requested: October 10, 2024
Introduced and read first time: January 8, 2025
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Public Safety and Correctional Services – Incarcerated**
3 **Individual Apprenticeship Program**

4 FOR the purpose of requiring the Department of Public Safety and Correctional Services
5 to develop and offer an apprenticeship program in skilled trades for incarcerated
6 individuals; and generally relating to an incarcerated individual apprenticeship
7 program and the employment of incarcerated individuals.

8 BY adding to

9 Article – Correctional Services

10 Section 3–901 through 3–908 to be under the new subtitle “Subtitle 9. Incarcerated
11 Individual Apprenticeship Program”

12 Annotated Code of Maryland

13 (2017 Replacement Volume and 2024 Supplement)

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

16 **Article – Correctional Services**

17 **SUBTITLE 9. INCARCERATED INDIVIDUAL APPRENTICESHIP PROGRAM.**

18 **3–901.**

19 **IN THIS SUBTITLE, “APPRENTICESHIP PROGRAM” MEANS THE**
20 **INCARCERATED INDIVIDUAL APPRENTICESHIP PROGRAM.**

21 **3–902.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) THERE IS AN INCARCERATED INDIVIDUAL APPRENTICESHIP PROGRAM**
2 **IN THE DEPARTMENT.**

3 **(B) THE APPRENTICESHIP PROGRAM IS AN INDEPENDENT PROGRAM THAT**
4 **IS SEPARATE FROM MARYLAND CORRECTIONAL ENTERPRISES UNDER SUBTITLE 5**
5 **OF THIS TITLE.**

6 **3-903.**

7 **(A) THE DEPARTMENT SHALL DEVELOP AN APPRENTICESHIP PROGRAM TO**
8 **PROVIDE INCARCERATED INDIVIDUALS THE OPPORTUNITY TO SERVE AS A PAID**
9 **APPRENTICE IN AN AGENCY OR A UNIT OF STATE OR LOCAL GOVERNMENT OR WITH**
10 **A PRIVATE ENTITY.**

11 **(B) THE APPRENTICESHIP PROGRAM SHALL PRIORITIZE EMPLOYMENT IN**
12 **SKILLED TRADES WITH THE PURPOSE OF ASSISTING INCARCERATED INDIVIDUALS**
13 **TO DEVELOP MARKETABLE JOB SKILLS AND TO PROVIDE INCARCERATED**
14 **INDIVIDUALS WITH THE OPPORTUNITY TO EARN MONEY THAT CAN BE USED ONCE**
15 **THE INCARCERATED INDIVIDUAL IS RELEASED FROM INCARCERATION.**

16 **(C) EMPLOYERS PARTICIPATING IN THE APPRENTICESHIP PROGRAM MAY**
17 **INCLUDE AN AGENCY OR A UNIT OF STATE OR LOCAL GOVERNMENT AND PRIVATE**
18 **ENTITIES.**

19 **(D) (1) THE DEPARTMENT SHALL MAKE ASSIGNMENTS FOR**
20 **APPRENTICESHIP PROGRAM PARTICIPANTS TO ELIGIBLE EMPLOYERS WHO ARE**
21 **PARTICIPATING IN THE APPRENTICESHIP PROGRAM.**

22 **(2) AN EMPLOYER MAY REJECT THE DEPARTMENT'S PROPOSED**
23 **ASSIGNMENT OR CEASE PARTICIPATION IN THE APPRENTICESHIP PROGRAM AT ANY**
24 **TIME.**

25 **3-904.**

26 **(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, AN EMPLOYER WHO IS**
27 **A PARTICIPANT IN THE APPRENTICESHIP PROGRAM SHALL DETERMINE THE WAGE**
28 **PAID TO AN INCARCERATED INDIVIDUAL.**

29 **(B) A PERSON THAT EMPLOYS AN INCARCERATED INDIVIDUAL UNDER THIS**
30 **SECTION SHALL PAY A COMPENSATION RATE OF NOT LESS THAN THE STATE**
31 **MINIMUM WAGE UNDER § 3-413(C) OF THE LABOR AND EMPLOYMENT ARTICLE.**

32 **(C) AN EMPLOYER WHO IS AN APPRENTICESHIP PROGRAM PARTICIPANT**

1 SHALL PAY TO THE DEPARTMENT THE AMOUNT AGREED ON WITH THE
2 DEPARTMENT, AS PART OF THE AGREEMENT FOR THE APPRENTICESHIP PROGRAM,
3 FOR EACH DAY THAT AN INCARCERATED INDIVIDUAL IS EMPLOYED AS PART OF THE
4 APPRENTICESHIP PROGRAM.

5 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
6 FROM THE PAYMENTS MADE UNDER SUBSECTION (C) OF THIS SECTION, THE
7 DEPARTMENT SHALL CREDIT THE AMOUNT HELD TO THE ACCOUNT OF THE
8 INCARCERATED INDIVIDUAL UNDER § 3-609 OF THIS TITLE, AS DETERMINED BY THE
9 DEPARTMENT.

10 (2) IF THE DEPARTMENT FINDS THAT THE SPOUSE, CHILD, OR OTHER
11 DEPENDENT OF AN INCARCERATED INDIVIDUAL NEEDS FINANCIAL SUPPORT, THE
12 DEPARTMENT MAY PAY ALL OR PART OF THE PAYMENTS MADE UNDER SUBSECTION
13 (C) OF THIS SECTION, AS THE DEPARTMENT CONSIDERS PROPER, TO THE SPOUSE,
14 CHILD, OR DEPENDENT.

15 3-905.

16 (A) THE DIVISION OF CORRECTION SHALL PROVIDE, OR MAKE
17 ARRANGEMENTS THAT IT CONSIDERS TO BE ADEQUATE AND PROPER TO PROVIDE,
18 FOR THE GUARDING, TRANSPORTING, LODGING, FEEDING, CLOTHING, AND MEDICAL
19 AND OTHER CARE OF AN INCARCERATED INDIVIDUAL WHILE THE INCARCERATED
20 INDIVIDUAL IS PARTICIPATING IN THE APPRENTICESHIP PROGRAM.

21 (B) (1) FOR AN INCARCERATED INDIVIDUAL ASSIGNED TO AN AGENCY OR
22 A UNIT OF STATE GOVERNMENT AS A PARTICIPANT IN THE APPRENTICESHIP
23 PROGRAM, THE STATE SHALL PAY THE EXPENSES INCURRED UNDER SUBSECTION
24 (A) OF THIS SECTION.

25 (2) FOR AN INCARCERATED INDIVIDUAL ASSIGNED TO A MUNICIPAL
26 CORPORATION, COUNTY, OR PRIVATE ENTITY AS A PARTICIPANT IN THE
27 APPRENTICESHIP PROGRAM, THE MUNICIPAL CORPORATION, COUNTY, OR PRIVATE
28 ENTITY SHALL PAY THE EXPENSES INCURRED UNDER SUBSECTION (A) OF THIS
29 SECTION UNDER ARRANGEMENTS MADE WITH OR SATISFACTORY TO THE
30 DEPARTMENT.

31 3-906.

32 AN INCARCERATED INDIVIDUAL PARTICIPATING IN THE APPRENTICESHIP
33 PROGRAM IS ENTITLED TO THE SAME DEDUCTIONS OR ALLOWANCES FOR GOOD
34 BEHAVIOR, OBSERVANCE OF DISCIPLINE AND RULES, AND DILIGENT AND FAITHFUL
35 LABOR AND IS SUBJECT TO THE SAME FORFEITURES OR PUNISHMENTS FOR BAD

1 BEHAVIOR AND OTHER VIOLATIONS THAT OTHERWISE APPLY TO INCARCERATED
2 INDIVIDUALS UNDER THE LAWS OF THE STATE.

3 **3-907.**

4 IF AN INCARCERATED INDIVIDUAL SUCCESSFULLY COMPLETES THE
5 APPRENTICESHIP PROGRAM, WITHIN 30 DAYS AFTER THE SCHEDULED RELEASE OF
6 THE INCARCERATED INDIVIDUAL, THE DEPARTMENT SHALL PROVIDE THE
7 INCARCERATED INDIVIDUAL WITH A CERTIFICATE DEMONSTRATING THE
8 INCARCERATED INDIVIDUAL'S SUCCESSFUL COMPLETION OF THE APPRENTICESHIP
9 PROGRAM.

10 **3-908.**

11 THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THE
12 PROVISIONS OF THIS SUBTITLE.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2025.