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Judiciary Committee

Subcommittees

Juvenile Law

Public Safety



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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Chair Clippinger and Vice Chair Atterbeary
House Judiciary Committee
House Office Building Room 101
Annapolis, MD 21401

January 14, 2021

Dear Chair Clippinger, Vice Chair Atterbeary and Committee Members:

I am pleased to present House Bill 100 - Correctional Services – Inmate Cost of Living Report – Maryland Correctional Enterprises Diversity Report. This legislation expands the information provided in the Commissioner of Corrections Annual Report to include information relating to the cost of living inside correctional facilities including but not limited to the cost of phone and video calls, hygiene products and other commissary items. The bill also requires the Correctional Financial and Operational Report of the Maryland Correctional Enterprises (MCE) to disaggregate the job classification and wage scale of inmates employed at MCE by race, age and sex.

Current law requires the Commissioner of Corrections to submit an annual report including the number of inmates, demographic breakdown, inmate’s employment status, job classification and wage scale. I applaud recent efforts by the legislature to require additional reporting on inmate wages and working conditions and believe this bill would expand on those earlier efforts. To understand the full cost of living inside correctional facilities, however, the legislature must demand transparency not just on inmate wages but also on the cost of goods and services behind bars. Families of incarcerated individuals bear the burden of excessive costs, as they often provide funds for family members living in correctional institutions. My office has received correspondence from several incarcerated individuals testifying to rising prices on food and hygiene products, increasing upwards of 10% annually while wages remain stagnant for years on end at less than one dollar per day, in some cases.

To better understand the history of this issue, we must go back several years. The Federal Communications Commission issued a ruling in 2015 which substantially decreased prison phone rates, but those regulations have recently been rolled back under the Trump administration.¹ Making communication with family members more affordable is not only the

¹ Marimow, Ann. “FCC made a case for limiting cost of prison phone calls. Not anymore.” *The Washington Post*. 5 February 2017.

humane thing to do – research indicates that it reduces recidivism rates, making communities safer in the long term.²

High commissary costs disproportionately affect African-Americans, who make up over 70% of the Maryland prison population, more than double their representation in the general population.³ Similarly, incarcerated women face challenges paying for expensive menstrual hygiene products, products which the state is already supposed to provide free of charge.⁴

Moreover, my office has heard concerns that Maryland Correctional Enterprises has discriminatory hiring and promotion practices, resulting in differential job classification and wage scales when comparing minority incarcerated individuals with their white peers. Disaggregated reporting will help to shine a light on this issue and allow the legislature and concerned advocates to address concerns around inequitable labor practices.

Similar legislation calling for commissary and phone call reporting was introduced in 2018, but was stripped out of the final version of the bill that passed in 2019. The fiscal note on the 2018 legislation as well as the [fiscal note on the current iteration of this bill](#) indicated that the Dept. for Public Safety and Correctional Services would be able to conduct additional reporting within existing resources. Should cost be a concern to the Committee, it is important to remember that incarcerated individuals via their work with Maryland Correctional Enterprises generate \$2.5 million annually which is transferred to the State's general fund. During the shortened 2020 legislative session, this bill was introduced as [HB 979](#) and was unanimously passed out of the Judiciary Committee with no amendments.

For the above reasons, I respectfully request a favorable report on HB 100.

Sincerely,

Delegate Debra M. Davis
District 28, Charles County

² Nancy G. La Vigne, Rebecca L. Naser, Lisa E. Brooks, & Jennifer L. Castro, "Examining the Effect of Incarceration and In-Prison Family Contact on Prisoners' Family Relationships." *Journal of Contemporary Criminal Justice*, 2005.

³ 2018 Division of Correction Annual Report, p. 37.

⁴ Marimow, Ann. "A new law promised Maryland's female inmates free tampons. They're still paying." *The Washington Post*. 5 June 2019.