



## Department of Public Safety and Correctional Services

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**BILL: HOUSE BILL 102**

**POSITION: LETTER OF INFORMATION**

**EXPLANATION:** This bill requires the Maryland Correctional Enterprises (MCE) to compensate their inmate workers not less than the State minimum wage; prohibit the Department of Public Safety and Correctional Services (DPSCS) from deducting the cost of food, lodging and clothing from an inmate's earnings; offer educational and job training opportunities to all inmates who wish to participate; and partner with labor unions and trade associations to develop training programs with marketable skills. **This bill will have a significant fiscal and operational impact on MCE and DPSCS.**

### COMMENTS:

- The Department's Division of Correction (DOC) operates 17 State correctional facilities which house offenders sentenced to a term of incarceration for 18 months and longer. The Department also runs the Baltimore City Jail, which houses pretrial detainees and inmates sentenced to incarceration for 18 months and less.
- The DOC also includes MCE who is the prison industry arm of the DPSCS. The mission of MCE focuses on providing structured employment and training activities to enhance offender rehabilitation.
- HB 102 will have a significant fiscal impact and operational impact on the DOC and MCE.
- **First, this bill seeks to establish the compensation rate for inmate labor in MCE be no less than the State minimum wage.** MCE is a self-supporting entity, meaning it is not supported by State general funds, and merely operates off of the revenues made by manufacturing and retailing goods and service.
- An increase to this degree will diminish the self supporting status of MCE causing inmate labor expenditures to increase exponentially.
- **HB 102 will prohibit DPSCS from collecting the cost of housing, food and clothing from an inmate's earnings.** Currently, room and board is

only collected from those inmates who have outside employment via work release and are housed in a DPSCS facility.

- Prohibiting the DPSCS from collecting these costs, will result in a significant decrease in revenue. A review of the revenue generated from room/board and transportation costs for the past three fiscal years indicates that the **loss to the Department could exceed \$1,000,000 per year.**
- HB 102 will also require DPSCS to provide job training and educational services to ALL inmates who wish to participate. Currently, in order to ensure the safety and security of program operations, and staff, an inmate must meet the minimum criteria established in order to participate in programming. **Allowing all inmates to participate without any eligibility criteria in place will jeopardize the safety and security of the facility.**
- Additionally, pursuant to the Labor and Employment Article §11-902, the Department of Labor develops and recommends educational and workforce training programs for each institution in the DOC, and ensures these programs meet the special needs and circumstances in each correctional facility.
- As stated under Labor and Employment §11-903, the Department of Labor is responsible for the provision of education and workforce skills training programs in the adult correctional institutions in the State.
- Further, the bill, as proposed, would negate a significant body of research conducted between 2004-2008 by the Department of Labor's Workforce Creation and Adult Education Transition Council that reviewed the best options for correctional education. At that time, all potential options were studied and the research determined the best possible option was within the Department of Labor.
- **HB 102 would completely alter the structure of the delivery of education and training to the incarcerated population as it would require DPSCS to deliver this training.**
- HB 102 fails to take into account the current footprint, physical structure, and staffing of DOC facilities.

- Lastly, the ongoing pandemic has had a significant impact on programming, vocational, and educational training programs. The Department, in tandem with the Department of Labor, needs to focus on reinvigorating the preexisting programming, vocational, and educational training programs before determining the need for expansion.

**CONCLUSION:** For these reasons, the Department of Public Safety and Correctional Services respectfully requests the Committee consider this information as it deliberates on House Bill 102.