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## **POSITION ON PROPOSED LEGISLATION**

**BILL: HB 1245 -- Correctional Services - Inmates - Labor, Job Training, and Educational**

**FROM: Maryland Office of the Public Defender**

**POSITION: Favorable**

**DATE: 03/04/2022**

The Maryland Office of the Public Defender respectfully requests that this Committee issue an favorable report on House Bill 1245.

The Maryland Office of the Public Defender is a statewide agency providing legal representation and advocacy for people in Maryland's criminal justice system, including individuals currently incarcerated. MOPD is concerned with the conditions in prison and the services and rehabilitative opportunities being provided to persons who are incarcerated. Thus, MOPD supports bills that offer opportunities for incarcerated persons to succeed in the future.

House Bill 1245 dictates that the compensation rate for inmate labor in Maryland Correctional Enterprises may not be less than the federal minimum wage. It further mandates that the Division of Correction shall offer job training and educational courses to all inmates, subject to safety concerns, with a specific focus on working with labor unions, marketable skills, courses above GED level, financial literacy, investing, and civics. These are critical resources to ensure that our incarcerated population is set up for success upon their release and reentry into society.

The first piece of House Bill 1245 that MOPD supports is the **meaningful educational and vocational opportunities** it provides. Many of MOPD's clients have held high-ranking, skilled positions through Maryland Correctional Enterprises (MCE). Those who have been in MCE shops and were ultimately released were far more likely to find employment in skilled jobs. However, despite decades of employment through MCE, many persons had no savings upon release and were forced to rely on elderly family members, many of whom are on fixed-

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incomes and have limited financial resources. Understandably, persons being released from incarceration can be hesitant to rely on family members for financial support upon release, knowing the significant financial burden they will place on them. Often, these people are eager and motivated to become self-sufficient as quickly as possible. But reentry is a process, and it can take 12 months to establish stability and independence. Ensuring that adequate job training and education resources are provided during incarceration equips people with critical skills to obtain jobs upon their release. Job security in turn promotes financial stability, self-sufficiency, and positive ties to the community.

The second critical piece of House Bill 1245 is **fair compensation**. Providing incarcerated persons with no less than the minimum wage, for the skilled labor they provide the state will help them create a safety net for themselves and their families, and will help them stabilize quickly upon release. It is also simply the right thing to do.

In FY2019, according to their annual report, Maryland Correctional Enterprises had over \$52 million in sales with 1,516 inmates working 2.4 million hours per year. From 2.4 million hours of work, inmates collectively earned \$2.7 million in pay, yielding an average hourly wage of \$1.13. The disparity between sales and pay is abysmal: MCE's sales in FY2019 were 21 times the pay to its incarcerated workers.

In 2018, Jobs Opportunity Task Force released a report called "The Criminalization of Poverty" which analyzes the various intersections in which Maryland residents from impoverished communities interact with the criminal system. The report highlights costs that incarcerated persons face as they work towards release. Correctional Services Articles §§11–703 - 11–725 permit individual counties to charge incarcerated persons in work release programs for cost of food, lodging, clothing, and even electronic monitoring. JOTF reported that this leads to an average cost of \$135 for room and board and \$75 per week for electronic monitoring. Those fees are particularly harmful considering the roughly dollar per hour pay these persons are receiving during their incarceration.<sup>1</sup>

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<sup>1</sup> The Job Opportunities Task Force, *The Criminalization of Poverty: How to Break the Cycle Through Policy Reform in Maryland* (Jan. 2018), [https://jotf.org/wp-content/uploads/2018/08/cop-report-013018\\_final.pdf](https://jotf.org/wp-content/uploads/2018/08/cop-report-013018_final.pdf).

This bill helps reduce barriers to financial stability and independence. It will equip incarcerated persons with critical tools to be more confident, better trained, and more thoroughly educated upon their reentry to society. This bill is particularly important for people serving longer sentences. These persons are often removed from the labor market for a greater percentage of their working years, thus without compensation and training during incarceration they are well-behind the curve upon release. When provided with appropriate resources and skills, the likelihood of successful reentry increases. This success-rate is increased by the fact that simultaneously the risk of recidivism goes down with age. Correctional industries, job training programs, financial counseling and post-GED courses help bridge the gap between incarceration and future success in the community.

MOPD supports this bill to fully compensate MCE employees for their skilled labor, and the expansion of training and educational opportunities. For these reasons the Maryland Office of the Public Defender urges a favorable report on House Bill 1245.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on House Bill 1245.**

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**Submitted by: Maryland Office of the Public Defender, Government Relations Division.**