
House Bill 416

Date: March 29, 2023
Committee: Senate Judicial Proceedings Committee
Bill Title: Resources and Education for All Prisons (REAP) Act
Re: **Letter of Information**

HB 416 updates the Labor and Employment article to require the Maryland Department of Labor (MDL) to set goals for the number of inmates enrolled in education programs, establish a system to track an inmate’s progress through educational programming, including the number of college credits that each inmate earns, and to provide marketing for said education programs. While MDL operates the Office of Correctional Education which provides education and career training services to inmates of Maryland State correctional facilities, the Department does not presently track or directly promote programs in the manner required by the bill.

Further, HB 416 cites Correctional Services Article §1–101, which defines “Inmate” as an individual who is actually or constructively detained or confined in a correctional facility, and “Correctional Facility” as a facility that is operated for the purpose of detaining or confining adults who are charged with or found guilty of a crime. MDL has been advised that the bill’s definition extends the Department’s jurisdiction for the identified education activities to all correctional facilities in the State, including facilities where the Department does not currently operate programming (i.e., federal prisons and local detention centers). **The Department estimates the expected cost to promote, track, and set goals for such programming is at least \$521,447 beginning in Fiscal Year 2024.**

While HB 416 does require the Governor to include funding annually for MDL to administer the proposed activities, the bill does not provide a dollar amount, funding formula, or explicit list of educational programs and activities that MDL must promote and track that could be used to determine an appropriation. The Department of Legislative Services notes in the bill’s fiscal analysis that the Attorney General has previously advised that mandatory appropriations must either include an exact dollar figure or a funding formula. Presently HB 416 does not provide either and DLS has expressed that the bill **does not** successfully establish a mandatory appropriation.

Absent a mandatory appropriation and considering the extended scope of the broadened definition of “inmate,” MDL would like to highlight for the Committee that HB 416 will significantly impact the Department and directly increase general fund expenditures beginning in FY24. **The Department does not currently have other State or federal resources available to meet the expected costs of implementing HB 416.**