

HB747...for Senate Committee

Good afternoon, Chair Smith, VC Waldstrieher, and members of the Judicial Proceedings Committee. For the record, I am Delegate Cheryl Pasteur, and I am here to testify in support of HB 0747 for the purpose of repealing the antiquated authority of the Division of Correction to arrange for inmates not needed or being used by State Highway Administration to perform emergency road work to be employed in agricultural work during any part of the year at a camp in Queen Anne's County or any other county with a similar camp. This colloquially called "chain gang" bill is not only antiquated but flies in the face of today's belief that incarceration is the consequence and rehabilitation as the hopeful positive result. This is real life drama with men and women from prisons doing agricultural work for no pay on "for profit" farms in Maryland. In January, Vice Chair Moon requested an update on the original bill, and I did so on February 17, 2023. In 1999, the Department of Legislative Services flagged this bill for repeal. Research has indicated that no bill was ever proposed to repeal or amend this statute beyond that time until now.

In 1916, Chapter 211, Annotated Code placed language in the Code that allowed for the prisoners to work on road gangs in the State. In 1943 via Chapter 720, (Senate Bill 285) to repeal and re-enact, with amendments, Section 148 of Article 89B of the Annotated Code of Maryland (1939 edition), providing for the use of prisoners assigned to camps in Queen Anne's County and other Counties in harvesting of crops from August 1st to November 30th each year and extending the period of employment of prison labor on road work. This provision was amended several times after it was first enacted, and no amendments found between 1951 and 1957. In 1999, it made its way into the Correctional Services Article, where members of Code revision committee recommended that it could be removed as it was obsolete. Here is the note on the bill when it was moved from Article 77 to the Correctional Article via Chapter 54 1999 as supplied by the DLS staff:

"The Correctional Services Article Review Committee notes for consideration by the General Assembly that the General Assembly may wish to repeal this section as obsolete. Currently, there are no correctional 'camps' in Queen Anne's County and no inmates are being used in agricultural work as authorized by this section." DLS Manger, Sandy Mueller, noted that she "dug through bills moving forward, finding nothing ever proposed to repeal or amend this statute." It is time to repeal it before someone feels like the Sheriff Arpaio in Arizona or the Sheriff's Office in Brevard County, Florida. Florida sheriff, Ivey, states he "hopes to send a message". He notes that his emphasis is on "crime prevention" and this is a deterrent. Ivey says the chain gang instills a strong work ethic in the inmates, which can be a part of their rehabilitation, while acting as a high-profile deterrent to passersby. I ask for a favorable vote to repeal the authority of the Division of Correction to arrange for the employment of inmates in agricultural work at specified camps before someone in Maryland, again, decides this archaic idea is a good one.