

HOUSE BILL 1147

P1

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By: **Chair, Health and Government Operations Committee (By Request – Departmental – Public Safety and Correctional Services)**

Introduced and read first time: February 14, 2011

Assigned to: Rules and Executive Nominations

Re-referred to: Health and Government Operations, February 28, 2011

Committee Report: Favorable

House action: Adopted

Read second time: March 23, 2011

CHAPTER _____

1 AN ACT concerning

2 **Correctional Services – Maryland Correctional Enterprises Goods and**
3 **Services – Sales to State Employees**

4 FOR the purpose of authorizing the sale of goods and services of Maryland
5 Correctional Enterprises on the open market to an individual employed by the
6 State government; and generally relating to Maryland Correctional Enterprises.

7 BY repealing and reenacting, with amendments,
8 Article – Correctional Services
9 Section 3–516
10 Annotated Code of Maryland
11 (2008 Replacement Volume and 2010 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article – Correctional Services**

15 3–516.

16 (a) Except as authorized under subsection (b) of this section, goods and
17 services of Maryland Correctional Enterprises may not be sold on the open market.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (b) Goods and services of Maryland Correctional Enterprises may be sold on
2 the open market:

3 (1) if they are produced or provided by an individual on parole or in a
4 work release program;

5 (2) if the sale is made to a charitable, civic, educational, fraternal, or
6 religious agency, association, or institution for its own use and not for resale within 1
7 year of the purchase;

8 (3) to a person for national defense purposes if not prohibited by an act
9 of Congress;

10 (4) if they are surplus goods remaining after meeting the forecasted
11 requirements of units of State government and political subdivisions and the goods
12 remain unsold 1 year after being produced;

13 (5) for use by a contractor or subcontractor in performance of a
14 contract with a unit of State government or any other governmental unit in the State;

15 (6) as allowed under the Private Sector/Prison Industry Enhancement
16 Certification Program of the United States Department of Justice, Bureau of Justice
17 Assistance; [or]

18 (7) if they are related to the preparation or distribution of food or
19 services related to agriculture or seafood processing, when the following conditions are
20 met:

21 (i) the State labor pools are diminished; and

22 (ii) it has been determined that inmate labor is the available
23 source; **OR**

24 **(8) IF THE SALE IS MADE TO AN INDIVIDUAL EMPLOYED BY THE**
25 **STATE GOVERNMENT.**

26 (c) (1) The Secretary and the Secretary of Labor, Licensing, and
27 Regulation shall adopt regulations that specify how to determine the need for inmate
28 labor under subsection (b)(7) of this section.

29 (2) Wages paid to inmates under subsection (b)(7) of this section may
30 not be less than wages paid for similar work in the private sector of the same locality
31 as determined by the Secretary of Labor, Licensing, and Regulation.

32 (3) Inmate labor under subsection (b)(7) of this section applies only to
33 inmates at the minimum, prerelease, and work release security levels.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.