

SENATE BILL 1017

E5, C8

4lr1914

By: **Senator A. Washington**

Introduced and read first time: February 2, 2024

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Maryland Correctional Enterprises – Formerly**
3 **Incarcerated Individuals**

4 FOR the purpose of requiring Maryland Correctional Enterprises to develop employment
5 plans for incarcerated individuals within a certain amount of time of release on
6 parole or mandatory supervision; requiring the Commissioner of Correction and
7 Chief Executive Officer of Maryland Correctional Enterprises to enter into a certain
8 memorandum of understanding; requiring the Maryland Correctional Enterprises
9 Management Council to review certain requirements of Maryland Correctional
10 Enterprises; requiring the Division of Parole and Probation to report certain
11 information to the General Assembly; establishing certain procedures for appointing
12 formerly incarcerated individuals to certain State positions; and generally relating
13 to the Maryland Correctional Enterprises and formerly incarcerated individuals.

14 BY repealing and reenacting, with amendments,
15 Article – Correctional Services
16 Section 3–502, 3–513, and 3–521(c)
17 Annotated Code of Maryland
18 (2017 Replacement Volume and 2023 Supplement)
19 (As enacted by Chapter 721 of the Acts of the General Assembly of 2023)

20 BY repealing and reenacting, without amendments,
21 Article – Correctional Services
22 Section 3–517
23 Annotated Code of Maryland
24 (2017 Replacement Volume and 2023 Supplement)

25 BY adding to
26 Article – Correctional Services
27 Section 6–123
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2017 Replacement Volume and 2023 Supplement)

2 BY repealing and reenacting, with amendments,
3 Article – State Personnel and Pensions
4 Section 7–203(a)
5 Annotated Code of Maryland
6 (2015 Replacement Volume and 2023 Supplement)

7 BY adding to
8 Article – State Personnel and Pensions
9 Section 7–203(c)
10 Annotated Code of Maryland
11 (2015 Replacement Volume and 2023 Supplement)

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

14 **Article – Correctional Services**

15 3–502.

16 The purpose of this subtitle is to establish a Maryland Correctional Enterprises
17 organization in the Division that:

18 (1) is financially self–supporting, generates revenue for its operations and
19 capital investments, and reimburses the Division at a reasonable rate for services
20 exchanged between the Division and Maryland Correctional Enterprises;

21 (2) provides meaningful work experiences for incarcerated individuals that
22 are intended to allow incarcerated individuals to improve work habits, attitudes, and skills
23 for the purpose of improving the employability of the incarcerated individuals on release;

24 (3) seeks to develop industries that provide full–time work experience or
25 rehabilitation programs for all eligible incarcerated individuals;

26 (4) operates correctional industries in an environment that resembles as
27 closely as possible the environment of private sector business operations;

28 **(5) CONNECTS INCARCERATED INDIVIDUALS BEFORE PAROLE OR**
29 **MANDATORY SUPERVISION WITH JOB OPPORTUNITIES THROUGH CONSULTATION**
30 **WITH THE MARYLAND DEPARTMENT OF LABOR, THE DIVISION OF PAROLE AND**
31 **PROBATION, AND LOCAL WORKFORCE DEVELOPMENT BOARDS; and**

32 **[(5)] (6)** makes the Division responsible for and accountable to the
33 Secretary and the Governor for the Maryland Correctional Enterprises program.

34 3–513.

1 (a) In accordance with subsection (b)(1) of this section, the Commissioner and
2 Chief Executive Officer shall develop programs to provide incarcerated individuals with
3 occupational experience to complement personnel development plans of the State
4 Department of Education and other units of State government serving incarcerated
5 individuals in the Division.

6 (b) (1) In establishing programs required under subsection (a) of this section,
7 the Commissioner and Chief Executive Officer shall consult with:

8 (i) the Assistant Secretary for the Division of Employment and
9 Training, Maryland Department of Labor;

10 (ii) the Assistant State Superintendent for the Division of Career
11 Technology and Adult Learning, State Department of Education;

12 (iii) the Commissioner of the Division of Labor and Industry,
13 Maryland Department of Labor; and

14 (iv) the Director of the Correctional Education Program, State
15 Department of Education.

16 (2) The individuals listed in paragraph (1) of this subsection shall provide
17 appropriate assistance to the Commissioner and Chief Executive Officer in carrying out
18 this section.

19 **(3) THE PROGRAMS ESTABLISHED UNDER SUBSECTION (A) OF THIS**
20 **SECTION SHALL INCLUDE A PLAN FOR EACH PARTICIPATING INCARCERATED**
21 **INDIVIDUAL TO BE EMPLOYED WITHIN 60 DAYS OF THE INDIVIDUAL'S RELEASE ON**
22 **PAROLE OR MANDATORY SUPERVISION THROUGH CONSULTATION WITH:**

23 **(I) THE LOCAL WORKFORCE DEVELOPMENT BOARD OF THE**
24 **COUNTY WHERE THE INCARCERATED INDIVIDUAL WILL RESIDE WHEN RELEASED**
25 **FROM THE DIVISION;**

26 **(II) THE EXECUTIVE DIRECTOR OF THE MARYLAND**
27 **LONGITUDINAL DATA CENTER;**

28 **(III) THE SECRETARY OF LABOR; AND**

29 **(IV) THE DIRECTOR OF THE DIVISION OF PAROLE AND**
30 **PROBATION.**

31 **(c) (1) THE COMMISSIONER AND CHIEF EXECUTIVE OFFICER SHALL**
32 **ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE LOCAL WORKFORCE**

1 DEVELOPMENT BOARD FOR EACH COUNTY AND OTHER APPLICABLE GOVERNMENT
2 AGENCIES.

3 (2) THE MEMORANDUM OF UNDERSTANDING SHALL PROVIDE FOR:

4 (I) A PROCESS BY WHICH INCARCERATED INDIVIDUALS WHO
5 HAVE PARTICIPATED IN MARYLAND CORRECTIONAL ENTERPRISES PROGRAMMING
6 ARE CONNECTED WITH EMPLOYMENT OPPORTUNITIES BEFORE RELEASE;

7 (II) A PLAN FOR SHARING INFORMATION ABOUT THE
8 AVAILABILITY OF RELEVANT EMPLOYMENT OPPORTUNITIES FOR FORMERLY
9 INCARCERATED INDIVIDUALS WITHIN STATE AGENCIES; AND

10 (III) A PLAN FOR FOLLOWING UP WITH FORMERLY
11 INCARCERATED INDIVIDUALS WHO HAVE PARTICIPATED IN MARYLAND
12 CORRECTIONAL ENTERPRISES AFTER THE INDIVIDUAL IS RELEASED ON PAROLE OR
13 MANDATORY SUPERVISION.

14 3-517.

15 There is a Maryland Correctional Enterprises Management Council in the Division.

16 3-521.

17 (c) The Management Council shall:

18 (1) review the success of Maryland Correctional Enterprises in:

19 (i) meeting the employability development needs of incarcerated
20 individuals;

21 (II) CONNECTING FORMERLY INCARCERATED INDIVIDUALS
22 WITH FULL-TIME EMPLOYMENT OPPORTUNITIES AFTER RELEASE; and

23 [(ii)] (III) coordinating work programs with other rehabilitative
24 programs;

25 (2) solicit and review information pertaining to concerns of participating
26 incarcerated individuals; and

27 (3) recommend changes as necessary to meet the goals and objectives of
28 Maryland Correctional Enterprises.

29 6-123.

1 **ON OR BEFORE DECEMBER 31, 2025, AND EACH DECEMBER 31 THEREAFTER,**
 2 **THE DIVISION SHALL REPORT IN ACCORDANCE WITH § 2-1257 OF THE STATE**
 3 **GOVERNMENT ARTICLE TO THE GENERAL ASSEMBLY ON THE NUMBER OF**
 4 **FORMERLY INCARCERATED INDIVIDUALS ON PAROLE OR MANDATORY SUPERVISION**
 5 **DISAGGREGATED BY RACE, AGE, AND SEX, WHO PARTICIPATED IN MARYLAND**
 6 **CORRECTIONAL ENTERPRISES PROGRAMMING BEFORE PAROLE OR MANDATORY**
 7 **SUPERVISION AND INDICATE WHETHER, WITHIN THE PRECEDING YEAR, THE**
 8 **INDIVIDUAL:**

9 **(1) WAS RELEASED FROM THE DIVISION OF CORRECTIONS;**

10 **(2) HAS OBTAINED EMPLOYMENT WITH THE STATE;**

11 **(3) HAS OBTAINED ANY OTHER FULL-TIME EMPLOYMENT; OR**

12 **(4) HAS BEEN REARRESTED.**

13 **Article – State Personnel and Pensions**

14 7-203.

15 (a) An appointing authority may select candidates for a position:

16 (1) from an existing list of eligible candidates;

17 (2) if the appointing authority decides to recruit for the position, by
 18 recruitment;

19 (3) from a special list of eligible candidates whom the Division of
 20 Rehabilitation Services of the Department of Education certifies as being physically
 21 capable and adequately trained to qualify for the position;

22 (4) from a list of contractual employees performing the same or similar
 23 duties of the position; or

24 (5) as provided in subsection (b) OR (C) of this section.

25 **(C) (1) AN APPOINTING AUTHORITY MAY SELECT A FORMERLY**
 26 **INCARCERATED INDIVIDUAL IF:**

27 **(I) THE FORMERLY INCARCERATED INDIVIDUAL:**

28 **1. PROVIDES DOCUMENTATION THAT THE INDIVIDUAL**
 29 **WAS PREVIOUSLY EMPLOYED BY MARYLAND CORRECTIONAL ENTERPRISES; AND**

1 **2. HAS OBTAINED A DEGREE, A CERTIFICATION, OR**
2 **TRAINING RELEVANT TO THE POSITION;**

3 **(II) THE APPOINTING AUTHORITY DETERMINES THAT THE**
4 **FORMERLY INCARCERATED INDIVIDUAL IS QUALIFIED TO PERFORM THE DUTIES**
5 **AND RESPONSIBILITIES OF THE POSITION;**

6 **(III) THE APPOINTING AUTHORITY NOTIFIES THE SECRETARY IN**
7 **WRITING THAT THE POSITION IS TO BE FILLED BY A FORMERLY INCARCERATED**
8 **INDIVIDUAL ON A NONCOMPETITIVE BASIS IN ACCORDANCE WITH THIS SUBSECTION;**
9 **AND**

10 **(IV) THE INCARCERATED INDIVIDUAL DOES NOT HOLD A**
11 **PERMANENT APPOINTMENT OR HAVE MANDATORY REINSTATEMENT RIGHTS TO A**
12 **PERMANENT APPOINTMENT.**

13 **(2) THE REQUIREMENTS OF § 7-209 OF THIS SUBTITLE DO NOT APPLY**
14 **TO A FORMERLY INCARCERATED INDIVIDUAL SELECTED FOR A VACANT POSITION**
15 **UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

16 **(3) IF AN APPOINTING AUTHORITY ELECTS TO SELECT A FORMERLY**
17 **INCARCERATED INDIVIDUAL FOR A VACANT POSITION UNDER PARAGRAPH (1) OF**
18 **THIS SUBSECTION, THE APPOINTING AUTHORITY MAY INTERVIEW ANY FORMERLY**
19 **INCARCERATED INDIVIDUAL WHO:**

20 **(I) HAS EXPRESSED AN INTEREST TO THE APPOINTING**
21 **AUTHORITY IN APPLYING FOR THE POSITION; AND**

22 **(II) SATISFIES THE REQUIREMENTS UNDER PARAGRAPH (1) OF**
23 **THIS SUBSECTION.**

24 **(4) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, IF**
25 **AN APPOINTING AUTHORITY ELECTS TO SELECT A FORMERLY INCARCERATED**
26 **INDIVIDUAL FOR A VACANT POSITION UNDER PARAGRAPH (1) OF THIS SUBSECTION,**
27 **THE APPOINTING AUTHORITY IS NOT REQUIRED TO INTERVIEW ANY OTHER**
28 **QUALIFIED APPLICANTS FOR APPOINTMENT TO THE POSITION.**

29 **(5) THIS SUBSECTION DOES NOT REQUIRE AN APPOINTING**
30 **AUTHORITY TO SELECT A FORMERLY INCARCERATED INDIVIDUAL FOR A VACANT**
31 **POSITION OR PROHIBIT AN APPOINTING AUTHORITY FROM FILLING A VACANT**
32 **POSITION IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SUBTITLE.**

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2024.