

# HOUSE BILL 1405

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By: **Delegate Metzgar**

Introduced and read first time: February 9, 2024

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Department of Public Safety and Correctional Services – Incarcerated**  
3 **Individual Apprenticeship Program**

4 FOR the purpose of requiring the Department of Public Safety and Correctional Services  
5 to develop and offer an apprenticeship program in skilled trades for incarcerated  
6 individuals; and generally relating to an incarcerated individual apprenticeship  
7 program and the employment of incarcerated individuals.

8 BY adding to

9 Article – Correctional Services

10 Section 3–901 through 3–908 to be under the new subtitle “Subtitle 9. Incarcerated  
11 Individual Apprenticeship Program”

12 Annotated Code of Maryland

13 (2017 Replacement Volume and 2023 Supplement)

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

16 **Article – Correctional Services**

17 **SUBTITLE 9. INCARCERATED INDIVIDUAL APPRENTICESHIP PROGRAM.**

18 **3–901.**

19 IN THIS SUBTITLE, “APPRENTICESHIP PROGRAM” MEANS THE  
20 INCARCERATED INDIVIDUAL APPRENTICESHIP PROGRAM.

21 **3–902.**

22 **(A) THERE IS AN INCARCERATED INDIVIDUAL APPRENTICESHIP PROGRAM**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 IN THE DEPARTMENT.

2 (B) THE APPRENTICESHIP PROGRAM IS AN INDEPENDENT PROGRAM THAT  
3 IS SEPARATE FROM MARYLAND CORRECTIONAL ENTERPRISES UNDER SUBTITLE 5  
4 OF THIS TITLE.

5 **3-903.**

6 (A) THE DEPARTMENT SHALL DEVELOP AN APPRENTICESHIP PROGRAM TO  
7 PROVIDE INCARCERATED INDIVIDUALS THE OPPORTUNITY TO SERVE AS A PAID  
8 APPRENTICE IN AN AGENCY OR A UNIT OF STATE OR LOCAL GOVERNMENT OR WITH  
9 A PRIVATE ENTITY.

10 (B) THE APPRENTICESHIP PROGRAM SHALL PRIORITIZE EMPLOYMENT IN  
11 SKILLED TRADES, WITH THE PURPOSE OF ASSISTING INCARCERATED INDIVIDUALS  
12 TO DEVELOP MARKETABLE JOB SKILLS AND TO PROVIDE INCARCERATED  
13 INDIVIDUALS WITH THE OPPORTUNITY TO EARN MONEY THAT CAN BE USED ONCE  
14 THE INCARCERATED INDIVIDUAL IS RELEASED FROM INCARCERATION.

15 (C) EMPLOYERS PARTICIPATING IN THE APPRENTICESHIP PROGRAM MAY  
16 INCLUDE AN AGENCY OR A UNIT OF STATE OR LOCAL GOVERNMENT AND PRIVATE  
17 ENTITIES.

18 (D) (1) THE DEPARTMENT SHALL MAKE ASSIGNMENTS FOR  
19 APPRENTICESHIP PROGRAM PARTICIPANTS TO ELIGIBLE EMPLOYERS WHO ARE  
20 PARTICIPATING IN THE APPRENTICESHIP PROGRAM.

21 (2) AN EMPLOYER MAY REJECT THE DEPARTMENT'S PROPOSED  
22 ASSIGNMENT OR CEASE PARTICIPATION IN THE APPRENTICESHIP PROGRAM AT ANY  
23 TIME.

24 **3-904.**

25 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, AN EMPLOYER WHO IS  
26 A PARTICIPANT IN THE APPRENTICESHIP PROGRAM SHALL DETERMINE THE WAGE  
27 PAID TO AN INCARCERATED INDIVIDUAL.

28 (B) A PERSON THAT EMPLOYS AN INCARCERATED INDIVIDUAL UNDER THIS  
29 SECTION SHALL PAY A COMPENSATION RATE OF NOT LESS THAN THE STATE  
30 MINIMUM WAGE UNDER § 3-413(C) OF THE LABOR AND EMPLOYMENT ARTICLE.

31 (C) AN EMPLOYER WHO IS AN APPRENTICESHIP PROGRAM PARTICIPANT  
32 SHALL PAY TO THE DEPARTMENT THE AMOUNT AGREED ON WITH THE

1 DEPARTMENT, AS PART OF THE AGREEMENT FOR THE APPRENTICESHIP PROGRAM,  
2 FOR EACH DAY THAT AN INCARCERATED INDIVIDUAL IS EMPLOYED AS PART OF THE  
3 APPRENTICESHIP PROGRAM.

4 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
5 FROM THE PAYMENTS MADE UNDER SUBSECTION (A) OF THIS SECTION, THE  
6 DEPARTMENT SHALL CREDIT THE AMOUNT HELD TO THE ACCOUNT OF THE  
7 INCARCERATED INDIVIDUAL UNDER § 3-609 OF THIS TITLE, AS DETERMINED BY THE  
8 DEPARTMENT.

9 (2) IF THE DEPARTMENT FINDS THAT THE SPOUSE, CHILD, OR OTHER  
10 DEPENDENT OF AN INCARCERATED INDIVIDUAL NEEDS FINANCIAL SUPPORT, THE  
11 DEPARTMENT MAY PAY ALL OR PART OF THE PAYMENTS MADE UNDER SUBSECTION  
12 (A) OF THIS SECTION, AS THE DEPARTMENT CONSIDERS PROPER, TO THE SPOUSE,  
13 CHILD, OR DEPENDENT.

14 3-905.

15 (A) THE DIVISION OF CORRECTION SHALL PROVIDE, OR MAKE  
16 ARRANGEMENTS THAT IT CONSIDERS TO BE ADEQUATE AND PROPER TO PROVIDE,  
17 FOR THE GUARDING, TRANSPORTING, LODGING, FEEDING, CLOTHING, AND MEDICAL  
18 AND OTHER CARE OF AN INCARCERATED INDIVIDUAL WHILE THE INCARCERATED  
19 INDIVIDUAL IS PARTICIPATING IN THE APPRENTICESHIP PROGRAM.

20 (B) (1) FOR AN INCARCERATED INDIVIDUAL ASSIGNED TO AN AGENCY OR  
21 A UNIT OF STATE GOVERNMENT AS A PARTICIPANT IN THE APPRENTICESHIP  
22 PROGRAM, THE STATE SHALL PAY THE EXPENSES INCURRED UNDER SUBSECTION  
23 (A) OF THIS SECTION.

24 (2) FOR AN INCARCERATED INDIVIDUAL ASSIGNED TO A MUNICIPAL  
25 CORPORATION, COUNTY, OR PRIVATE ENTITY AS A PARTICIPANT IN THE  
26 APPRENTICESHIP PROGRAM, THE MUNICIPAL CORPORATION, COUNTY, OR PRIVATE  
27 ENTITY SHALL PAY THE EXPENSES INCURRED UNDER SUBSECTION (A) OF THIS  
28 SECTION UNDER ARRANGEMENTS MADE WITH OR SATISFACTORY TO THE  
29 DEPARTMENT.

30 3-906.

31 AN INCARCERATED INDIVIDUAL PARTICIPATING IN THE APPRENTICESHIP  
32 PROGRAM IS ENTITLED TO THE SAME DEDUCTIONS OR ALLOWANCES FOR GOOD  
33 BEHAVIOR, OBSERVANCE OF DISCIPLINE AND RULES, AND DILIGENT AND FAITHFUL  
34 LABOR, AND IS SUBJECT TO THE SAME FORFEITURES OR PUNISHMENTS FOR BAD  
35 BEHAVIOR AND OTHER VIOLATIONS THAT OTHERWISE APPLY TO INCARCERATED

1 INDIVIDUALS UNDER THE LAWS OF THE STATE.

2 **3-907.**

3 IF AN INCARCERATED INDIVIDUAL SUCCESSFULLY COMPLETES THE  
4 APPRENTICESHIP PROGRAM, WITHIN 30 DAYS OF THE SCHEDULED RELEASE OF THE  
5 INCARCERATED INDIVIDUAL, THE DEPARTMENT SHALL PROVIDE THE  
6 INCARCERATED INDIVIDUAL WITH A CERTIFICATE DEMONSTRATING THE  
7 INCARCERATED INDIVIDUAL'S SUCCESSFUL COMPLETION OF THE APPRENTICESHIP  
8 PROGRAM.

9 **3-908.**

10 THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THE  
11 PROVISIONS OF THIS SUBTITLE.

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