

HOUSE BILL No. 4261

February 13, 1991, Introduced by Reps. Knight, Gagliardi, Bender, Walberg, Hillegonds, Ostling, Johnson, Kilpatrick, Dalman, Oxender and Gilmer and referred to the Committee on Appropriations.

A bill to amend section 65c of Act No. 232 of the Public Acts of 1953, entitled as amended

"An act to revise, consolidate, and codify the laws relating to probationers and probation officers as herein defined, to pardons, reprieves, commutations, and paroles, to the administration of penal institutions, correctional farms, and probation recovery camps, to prison labor and prison industries, and the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are hereby transferred; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

as added by Act No. 119 of the Public Acts of 1981, being section 791.265c of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 65c of Act No. 232 of the Public Acts of
2 1953, as added by Act No. 119 of the Public Acts of 1981, being
3 section 791.265c of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 65c. (1) As used in this section, "work camp" means a
6 correctional facility that houses prisoners who are made avail-
7 able for work ~~on public works projects or paid employment in the~~
8 ~~community~~ AS PROVIDED IN SUBSECTION (3).

9 (2) The department may construct, maintain, and operate work
10 camps for the purpose of housing prisoners who are under its
11 jurisdiction.

12 (3) Prisoners assigned to work camps may be provided an
13 opportunity to ~~perform meaningful work at paid employment in the~~
14 ~~community or an opportunity to provide labor on public works~~
15 ~~projects~~ DO ANY OF THE FOLLOWING, as long as the department has
16 reasonable cause to believe the prisoner will honor the trust
17 placed in him or her by such an assignment: —

18 (A) PERFORM MEANINGFUL WORK AT PAID EMPLOYMENT IN THE
19 COMMUNITY.

20 (B) PROVIDE LABOR ON PUBLIC WORKS PROJECTS.

21 (C) PERFORM MEANINGFUL WORK ON PROJECTS THAT SERVE THE
22 PUBLIC INTEREST OR A CHARITABLE PURPOSE AND ARE OPERATED BY ORGA-
23 NIZATIONS THAT ARE EXEMPT FROM TAXATION UNDER SECTION 501(C)(3)
24 OF THE INTERNAL REVENUE CODE.

25 (4) The ~~wilful~~ WILLFUL failure of a prisoner to report to
26 or return from an assignment to paid employment in the community

1 or on a public work project within the time prescribed, or to
2 remain within the prescribed limits of such an assignment, shall
3 be considered an escape from lawful custody as provided in sec-
4 tion 193(3) of THE MICHIGAN PENAL CODE, Act No. 328 of the Public
5 Acts of 1931, as amended, being section 750.193 of the Michigan
6 Compiled Laws.

7 (5) Prisoners employed at paid employment in the community
8 shall reimburse the department for food, clothing, and daily
9 travel expenses to and from work for days worked.

10 (6) The wages of prisoners employed at paid employment in
11 the community shall be collected by the work camp responsible for
12 the prisoner's care.

13 (7) A work camp collecting wages of a prisoner pursuant to
14 subsection (6) shall disperse wages collected in the following
15 priority order:

16 (a) Reimbursement to the department pursuant to subsection
17 (5).

18 (b) Support of the prisoner's dependents who are receiving
19 public assistance up to the maximum of the public assistance ben-
20 efit but not exceeding 50% of the prisoner's net earnings.

21 (c) For prisoners without dependents receiving public
22 assistance, 50% of the prisoner's net earnings shall be placed,
23 at the prisoner's option, in either the prisoner's personal non-
24 institutional savings account or in escrow by the department for
25 use by the prisoner upon release.

26 (d) The balance, if any, to the prisoner's institutional
27 account.

1 (8) An employer who employs a prisoner pursuant to this
2 section for work that is under Act No. 166 of the Public Acts of
3 1965, as amended, being sections 408.551 to 408.558 of the
4 Michigan Compiled Laws, shall pay the prisoner the prevailing
5 wage as provided in that act.

6 (9) An employer who employs a prisoner pursuant to this sec-
7 tion for work that is not under Act No. 166 of the Public Acts of
8 1965, as amended, shall pay the prisoner not less than the wage
9 the employer pays to other employees with similar skills and
10 experience.

11 (10) The department shall promulgate rules pursuant to THE
12 ADMINISTRATIVE PROCEDURES ACT OF 1969, Act No. 306 of the Public
13 Acts of 1969, as amended, being sections 24.201 to ~~24.315~~
14 24.328 of the Michigan Compiled Laws, to establish criteria by
15 which the department shall determine eligibility for participa-
16 tion in the programs of paid employment in the community estab-
17 lished by this section.