

# HOUSE BILL No. 4373

February 26, 1991, Introduced by Reps. Walberg, Hoffman, Kilpatrick, Nye, McNutt, Barns, DeMars, Knight and Robertson and referred to the Committee on House Oversight.

A bill to amend the title and sections 3, 4, 6, 7, and 12 of Act No. 15 of the Public Acts of 1968, entitled as amended "Correctional industries act,"

sections 3, 4, 7, and 12 as amended by Act No. 245 of the Public Acts of 1980 and section 6 as amended by Act No. 24 of the Public Acts of 1990, being sections 800.323, 800.324, 800.326, 800.327, and 800.332 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. The title and sections 3, 4, 6, 7, and 12 of Act  
2 No. 15 of the Public Acts of 1968, sections 3, 4, 7, and 12 as  
3 amended by Act No. 245 of the Public Acts of 1980 and section 6  
4 as amended by Act No. 24 of the Public Acts of 1990, being sec-  
5 tions 800.323, 800.324, 800.326, 800.327, and 800.332 of the  
6 Michigan Compiled Laws, are amended to read as follows:

## TITLE

1  
2 An act to provide for the employment of inmate labor in the  
3 correctional institutions of this state; to provide for certain  
4 powers and duties of the ~~commission~~ DEPARTMENT of corrections,  
5 the governor, and other officers and agencies in relation to cor-  
6 rectional institutions; to provide for the requisitioning and  
7 disbursement of correctional industries products; to provide for  
8 the disposition of the proceeds of correctional industries and  
9 farms; to provide for purchasing and accounting procedures; to  
10 regulate the sale or disposition of inmate labor and products; to  
11 provide for the requisitioning, purchases, and supply of correc-  
12 tional industries products; to provide penalties for violations  
13 of this act; and to repeal certain acts and parts of acts.

14 Sec. 3. The authority and duties contained in this act are  
15 vested in the ~~commission~~ DEPARTMENT of corrections.

16 Sec. 4. The ~~commission~~ DIRECTOR OF THE DEPARTMENT of cor-  
17 rections may:

18 (a) Construct, use, equip, and maintain buildings, machin-  
19 ery, boilers, and equipment which may be necessary to provide for  
20 the employment of inmate labor in the state correctional institu-  
21 tions for the manufacture of goods, wares, and merchandise and  
22 the operation of services.

23 (b) Purchase new material to be used in the manufacture of  
24 goods, wares, merchandise, and operation of services.

25 (c) Dispose of the manufactured products or provide services  
26 in the manner provided by law.

1 (d) Continue to use and maintain the buildings, machinery,  
2 boilers, and equipment in the manufacture of goods, wares, and  
3 merchandise in the manner in the operation on April 5, 1968 and  
4 use the facilities in the operation of service programs.

5 (e) Recruit and employ agents and assistants through the  
6 department of civil service as may be necessary to carry out the  
7 purposes of this act and recommend to the department of civil  
8 service classes and selection procedures which recognize the  
9 unique needs of correctional industries in this state.

10 (f) Establish an advisory council for correctional indus-  
11 tries in this state which shall include representatives of orga-  
12 nized labor, private industry, state government, and the general  
13 public.

14 Sec. 6. (1) Correctional industries products may be sold,  
15 exchanged, or purchased by institutions of this or any other  
16 state or political subdivision thereof, the federal government or  
17 agencies of the federal government, or any organization that is a  
18 tax exempt organization under section 501(c)(3) of the internal  
19 revenue code.

20 (2) An agricultural product that is produced on a correc-  
21 tional farm, unless it is utilized within the correctional insti-  
22 tutions or is sold to an institution, governmental agency, or  
23 organization described in subsection (1), shall be made available  
24 without charge to nonprofit charitable organizations or to the  
25 department of social services for use in food banks, bulk food  
26 distributions, or similar charitable food distribution programs.  
27 This subsection does not apply to an agricultural product that is

1 not in a form suitable for use in the manner prescribed in this  
2 section, such as bulk grain, live cattle, ~~and~~ OR hogs, which  
3 may be sold on the open market.

4 (3) The labor of inmates shall not be sold, hired, leased,  
5 loaned, contracted for, or otherwise used for private or corpo-  
6 rate profit or for any purpose other than the construction, main-  
7 tenance, or operation of public works, ways, or property as  
8 directed by the governor. This act does not prohibit the sale at  
9 retail of articles made by inmates for the personal benefit of  
10 themselves or their dependents or the payment to inmates for per-  
11 sonal services rendered in the correctional institutions, subject  
12 to regulations approved by the ~~commission~~ DEPARTMENT of correc-  
13 tions, or the use of inmate labor upon agricultural land which  
14 has been rented or leased by the department of corrections upon a  
15 sharecropping or other basis.

16 Sec. 7. The ~~commission~~ DIRECTOR OF THE DEPARTMENT of cor-  
17 rections shall provide as fully as practicable for the employment  
18 of inmates in tasks consistent with the penal and rehabilitative  
19 purposes of their imprisonment and with the public economy. The  
20 types of employment shall be as follows:

21 (a) Routine maintenance and operation of the several  
22 institutions.

23 (b) Educational and rehabilitation activities, whether  
24 formal or through productive or socialized activities, determined  
25 on the basis of individual needs and educability.

26 (c) Productive or maintenance labor on or in connection with  
27 the institution farms, or other land rented or leased by the

1 department of corrections, factories, shops, or other available  
2 facilities for the production and distribution of correctional  
3 industries products and services.

4 (d) Labor assignments on state public works, ways, or prop-  
5 erties when and as requisitioned by the governor or on county,  
6 township, or district roads when requested by the county board of  
7 commissioners pursuant to section 1 of Act No. 181 of the Public  
8 Acts of 1911, as amended, being section 800.101 of the Michigan  
9 Compiled Laws.

10 Sec. 12. The ~~commission~~ DIRECTOR OF THE DEPARTMENT of  
11 corrections may adopt a schedule of payments or allowances to  
12 inmates or to their dependents from the funds as may be provided  
13 for the payment.

14 Section 2. This amendatory act shall not take effect unless  
15 Senate Bill No. \_\_\_\_\_ or House Bill No. 4370 (request  
16 no. 02155'91) of the 86th Legislature is enacted into law.