

Act No. 34
Public Acts of 1993
Approved by the Governor
May 3, 1993
Filed with the Secretary of State
May 3, 1993

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1993**

Introduced by Reps. Profit, Griffin, Murphy and Wallace

ENROLLED HOUSE BILL No. 4496

AN ACT 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, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional 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; to repeal certain parts of this act on specific dates; 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:

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

Sec. 65c. (1) As used in this section, "work camp" means a correctional facility that houses prisoners who are made available for work as provided in subsection (3).

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

(3) Prisoners assigned to work camps may be provided an opportunity to do any of the following, as long as the department has reasonable cause to believe the prisoner will honor the trust placed in him or her by such an assignment:

(a) Perform meaningful work at paid employment in the community.

(b) Provide labor on public works projects.

(c) Perform meaningful work on projects that serve the public interest or a charitable purpose and are operated by organizations that are exempt from taxation under section 501(c)(3) of the internal revenue code. Work performed by prisoners pursuant to this subdivision shall not result in a competitive disadvantage to a for profit enterprise.

(4) Prisoners made available for work under subsection (3)(c) shall not be assigned to work on projects in a manner that results in the displacement of employed persons in the community or the replacement of workers on strike or locked out of work. If a collective bargaining agreement is in effect at a place of employment that is the site of a

proposed work project under subsection (3)(c), that bargaining unit must agree to the assignment of prisoners at the place of employment before the assignment is made.

(5) The warden at a correctional facility that makes prisoners available for work under subsection (3)(c) shall appoint a 7-member citizens advisory committee for the purpose of obtaining public input on proposals for assigning prisoners to work on those projects. The committee shall include broad representation from the community in which the proposed work project is to be located, including representatives of business, community service, and religious organizations and the president of the local AFL-CIO central labor council, or his or her designee. Before prisoners are assigned to a proposed work project, the proposed assignment shall be reviewed by the citizens advisory committee.

(6) The department annually shall submit to the house and senate appropriations subcommittees on corrections a report on work projects in which prisoners are made available for work under subsection (3)(c), including, but not limited to, the number of work projects, the number of prisoners placed on each work project, the type of work performed, and any problems raised by an advisory committee with respect to the work project.

(7) The willful failure of a prisoner to report to or return from an assignment to paid employment in the community or on a public work project within the time prescribed, or to remain within the prescribed limits of such an assignment, shall be considered an escape from lawful custody as provided in section 193(3) of the Michigan penal code, Act No. 328 of the Public Acts of 1931, as amended, being section 750.193 of the Michigan Compiled Laws.

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

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

(10) A work camp collecting wages of a prisoner pursuant to subsection (9) shall disperse wages collected in the following priority order:

(a) Reimbursement to the department pursuant to subsection (8).

(b) Support of the prisoner's dependents who are receiving public assistance up to the maximum of the public assistance benefit but not exceeding 50% of the prisoner's net earnings.

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

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

(11) An employer who employs a prisoner pursuant to this section for work to which Act No. 166 of the Public Acts of 1965, as amended, being sections 408.551 to 408.558 of the Michigan Compiled Laws, applies shall pay the prisoner the prevailing wage as provided in that act.

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

(13) The department shall promulgate rules pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws, to establish criteria by which the department shall determine eligibility for participation in the programs of paid employment in the community established by this section.

This act is ordered to take immediate effect.

Co-Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.