



HOUSE BILL No. 4496

March 11, 1993, Introduced by Reps. Profit, Griffin, Murphy and Wallace and referred to the Committee on Corrections.

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, 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:

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 RECYCLING PROJECTS THAT SERVE
22 THE PUBLIC INTEREST OR A CHARITABLE PURPOSE AND ARE OPERATED BY
23 ORGANIZATIONS THAT ARE EXEMPT FROM TAXATION UNDER SECTION
24 501(C)(3) OF THE INTERNAL REVENUE CODE.

25 (4) PRISONERS MADE AVAILABLE FOR WORK UNDER SUBSECTION
26 (3)(C) SHALL NOT BE ASSIGNED TO WORK ON PROJECTS IN A MANNER THAT

1 RESULTS IN THE DISPLACEMENT OF EMPLOYED PERSONS IN THE COMMUNITY
2 OR THE REPLACEMENT OF WORKERS ON STRIKE OR LOCKED OUT OF WORK.
3 IF A COLLECTIVE BARGAINING AGREEMENT IS IN EFFECT AT A PLACE OF
4 EMPLOYMENT THAT IS THE SITE OF A PROPOSED WORK PROJECT UNDER SUB-
5 SECTION (3)(C), THAT BARGAINING UNIT MUST AGREE TO THE ASSIGNMENT
6 OF PRISONERS AT THE PLACE OF EMPLOYMENT BEFORE THE ASSIGNMENT IS
7 MADE.

8 (5) THE WARDEN AT A CORRECTIONAL FACILITY THAT MAKES PRISON-
9 ERS AVAILABLE FOR WORK UNDER SUBSECTION (3)(C) SHALL APPOINT A
10 7-MEMBER CITIZENS ADVISORY COMMITTEE FOR THE PURPOSE OF OBTAINING
11 PUBLIC INPUT ON PROPOSALS FOR ASSIGNING PRISONERS TO WORK ON
12 RECYCLING PROJECTS. THE COMMITTEE SHALL INCLUDE BROAD REPRESENTEN-
13 TATION FROM THE COMMUNITY IN WHICH THE PROPOSED WORK PROJECT IS
14 TO BE LOCATED, INCLUDING REPRESENTATIVES OF BUSINESS, COMMUNITY
15 SERVICE, AND RELIGIOUS ORGANIZATIONS AND THE PRESIDENT OF THE
16 LOCAL AFL-CIO CENTRAL LABOR COUNCIL, OR HIS OR HER DESIGNEE.
17 BEFORE PRISONERS ARE ASSIGNED TO A PROPOSED WORK PROJECT, THE
18 PROPOSED ASSIGNMENT SHALL BE REVIEWED BY THE CITIZENS ADVISORY
19 COMMITTEE.

20 (6) THE DEPARTMENT ANNUALLY SHALL SUBMIT TO THE HOUSE AND
21 SENATE APPROPRIATIONS SUBCOMMITTEES ON CORRECTIONS A REPORT ON
22 WORK PROJECTS IN WHICH PRISONERS ARE MADE AVAILABLE FOR WORK
23 UNDER SUBSECTION (3)(C), INCLUDING, BUT NOT LIMITED TO, THE
24 NUMBER OF WORK PROJECTS, THE NUMBER OF PRISONERS PLACED ON EACH
25 WORK PROJECT, THE TYPE OF WORK PERFORMED, AND ANY PROBLEMS RAISED
26 BY AN ADVISORY COMMITTEE WITH RESPECT TO THE WORK PROJECT.

1 (7) ~~(4)~~ The ~~wilful~~ WILLFUL failure of a prisoner to
2 report to or return from an assignment to paid employment in the
3 community or on a public work project within the time prescribed,
4 or to remain within the prescribed limits of such an assignment,
5 shall be considered an escape from lawful custody as provided in
6 section 193(3) of THE MICHIGAN PENAL CODE, Act No. 328 of the
7 Public Acts of 1931, as amended, being section 750.193 of the
8 Michigan Compiled Laws.

9 (8) ~~(5)~~ Prisoners employed at paid employment in the com-
10 munity shall reimburse the department for food, clothing, and
11 daily travel expenses to and from work for days worked.

12 (9) ~~(6)~~ The wages of prisoners employed at paid employment
13 in the community shall be collected by the work camp responsible
14 for the prisoner's care.

15 (10) ~~(7)~~ A work camp collecting wages of a prisoner pursu-
16 ant to subsection ~~(6)~~ (9) shall disperse wages collected in the
17 following priority order:

18 (a) Reimbursement to the department pursuant to subsection
19 ~~(5)~~ (8).

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

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

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

3 (11) ~~(8)~~ An employer who employs a prisoner pursuant to
4 this section for work ~~that is under~~ TO WHICH Act No. 166 of the
5 Public Acts of 1965, as amended, being sections 408.551 to
6 408.558 of the Michigan Compiled Laws, APPLIES shall pay the
7 prisoner the prevailing wage as provided in that act.

8 (12) ~~(9)~~ An employer who employs a prisoner pursuant to
9 this section for work that is not under Act No. 166 of the Public
10 Acts of 1965, as amended, shall pay the prisoner not less than
11 the wage the employer pays to other employees with similar skills
12 and experience.

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