

SENATE BILL NO. 403

March 3, 1999, Introduced by Senators BULLARD, HOFFMAN and ROGERS and referred to the Committee on Judiciary.

A bill to amend 1968 PA 15, entitled "Correctional industries act," by amending the title and sections 2 and 7 (MCL 800.322 and 800.327), as amended by 1996 PA 537, and by adding section 7b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to provide for the employment of ~~inmate labor in~~
3 INMATES OF the correctional institutions of this state; to pro-
4 vide for the employment of inmate labor in certain private enter-
5 prises under certain conditions; to provide for certain powers
6 and duties of the department of corrections, the governor, and
7 other officers and agencies in relation to correctional institu-
8 tions; to provide for the requisitioning and disbursement of
9 correctional industries products; to provide for the disposition
10 of the proceeds of correctional industries and farms; to provide

1 for purchasing and accounting procedures; to regulate the sale or
2 disposition of inmate labor and products; to provide for the req-
3 uisitioning, purchases, and supply of correctional industries
4 products; to provide penalties for violations of this act; and to
5 repeal acts and parts of acts.

6 Sec. 2. As used in this act:

7 (a) "Correctional industries products" means all services
8 provided, goods, wares, and merchandise manufactured or produced,
9 wholly or in part, by inmates in any state correctional institu-
10 tion, but does not include products manufactured with inmate
11 labor or services rendered with inmate labor in a private manu-
12 facturing or service enterprise established under section 7a.

13 (B) "SECURITY DESIGNATION" MEANS THAT TERM AS DEFINED IN
14 SECTION 7A.

15 (C) ~~(b)~~ "Youth correctional facility" means a facility
16 established under section 20g of ~~Act No. 232 of the Public Acts~~
17 ~~of 1953, being section 791.220g of the Michigan Compiled Laws~~
18 1953 PA 232, MCL 791.220G.

19 Sec. 7. The department of corrections shall provide as
20 fully as practicable for the employment of inmates in tasks con-
21 sistent with the penal and rehabilitative purposes of their
22 imprisonment and with the public economy. The types of employ-
23 ment shall be as follows:

24 (a) Routine maintenance and operation of correctional
25 institutions.

1 (b) Educational and rehabilitation activities, whether
2 formal or through productive or socialized activities, determined
3 on the basis of individual needs and educability.

4 (c) Productive or maintenance labor on or in connection with
5 the institution farms, or other land rented or leased by the
6 department of corrections, factories, shops, or other available
7 facilities for the production and distribution of correctional
8 industries products and services.

9 (d) Labor assignments on state public works, ways, or prop-
10 erties when and as requisitioned by the governor EXCEPT AS PRO-
11 VIDED IN SUBDIVISION (E) or on county ~~—~~ OR township ~~—~~ or
12 ~~district~~ roads when requested by the county board of commission-
13 ers pursuant to section 1 of ~~Act No. 181 of the Public Acts of~~
14 ~~1911, being section 800.101 of the Michigan Compiled Laws 1911~~
15 PA 181, MCL 800.101.

16 (E) TRAIL MAINTENANCE OR OTHER UNSKILLED LABOR PROJECTS OF
17 THE DEPARTMENT OF NATURAL RESOURCES UNDER SECTION 7B.

18 (F) ~~(e)~~ Labor assignments in private manufacturing or
19 service enterprises established under section 7a.

20 SEC. 7B. (1) UPON THE WRITTEN REQUISITION OF THE DIRECTOR
21 OF THE DEPARTMENT OF NATURAL RESOURCES, THE DEPARTMENT OF CORREC-
22 TIONS SHALL ASSIGN SUCH ABLE-BODIED INMATES AS IN ITS DISCRETION
23 SEEMS PROPER, NOT EXCEEDING THE NUMBER SPECIFIED IN THE REQUISI-
24 TION, TO TRAIL MAINTENANCE OR OTHER UNSKILLED LABOR PROJECTS OF
25 THE DEPARTMENT OF NATURAL RESOURCES. ONLY THOSE INMATES WHO
26 RESIDE IN A CORRECTIONAL INSTITUTION HAVING A SECURITY
27 DESIGNATION OF LEVEL I AND WHO ARE NOT SERVING A SENTENCE OF LIFE

1 IMPRISONMENT ARE ELIGIBLE TO BE ASSIGNED TO LABOR UNDER THIS
2 SUBSECTION.

3 (2) THE DEPARTMENT OF NATURAL RESOURCES SHALL PAY TO THE
4 STATE TREASURER FOR EACH INMATE ASSIGNED TO A LABOR PROJECT UNDER
5 THIS SECTION A PER DIEM SET BY THE DEPARTMENT OF CORRECTIONS.
6 THE PER DIEM SHALL BE A FAIR AND JUST COMPENSATION FOR THE
7 LABOR. THE STATE TREASURER SHALL CREDIT THE PAYMENTS TO THE GEN-
8 ERAL FUND.

9 (3) THE DEPARTMENT OF NATURAL RESOURCES SHALL DO ALL OF THE
10 FOLLOWING:

11 (A) PAY EXPENSES OF TRANSPORTATION TO AND FROM THE PROJECT
12 SITE.

13 (B) PROVIDE OR PAY FOR THE LODGING AND FOOD OF THE INMATES
14 WHILE EMPLOYED BY THE DEPARTMENT OF NATURAL RESOURCES.

15 (C) FURNISH ALL TOOLS AND MATERIALS NECESSARY IN THE PER-
16 FORMANCE OF THE WORK.

17 (4) THE INMATES EMPLOYED BY THE DEPARTMENT OF NATURAL
18 RESOURCES SHALL BE UNDER THE CARE AND CUSTODY OF OFFICERS DESIG-
19 NATED BY THE DEPARTMENT OF CORRECTIONS, AT THE EXPENSE OF THE
20 DEPARTMENT OF CORRECTIONS. HOWEVER, IF GUARDS ARE NECESSARY, THE
21 DEPARTMENT OF NATURAL RESOURCES SHALL REIMBURSE THE DEPARTMENT OF
22 CORRECTIONS FOR THE EXPENSE OF GUARDING THE INMATES.