

SENATE BILL No. 1484

September 8, 2010, Introduced by Senator CROPSEY and referred to the Committee on Appropriations.

A bill to amend 1968 PA 15, entitled
"Correctional industries act,"
by amending sections 4 and 7 (MCL 800.324 and 800.327), as amended
by 1996 PA 537.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) The department of corrections may do any of the
2 following:

3 (a) Construct, use, equip, and maintain buildings, machinery,
4 boilers, and equipment that may be necessary to provide for the
5 employment of inmate labor in the state correctional institutions
6 for the manufacture of goods, wares, and merchandise and the
7 operation of services.

8 (b) Purchase new material to be used in the manufacture of
9 goods, wares, **AND** merchandise, and **THE** operation of services.

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

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

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

12 (f) Establish an advisory council for correctional industries
13 in this state, which shall include representatives of organized
14 labor, private industry, state government, and the general public.

15 (g) Enter into any agreements necessary for assigning inmates
16 to employment in private manufacturing or service enterprises under
17 section 7a.

18 (H) ESTABLISH A PRISON INDUSTRY ENHANCEMENT CERTIFICATION
19 PROGRAM UNDER 18 USC 1761(C) AND ENTER INTO ANY AGREEMENTS
20 NECESSARY FOR ASSIGNING PRISONERS TO EMPLOYMENT IN THE PRIVATE
21 MANUFACTURING OF TEXTILES UNDER A PRISON INDUSTRY ENHANCEMENT
22 CERTIFICATION PROGRAM PERMITTED UNDER THE PRISON INDUSTRY
23 ENHANCEMENT CERTIFICATION PROGRAM. THE DEPARTMENT MAY PURCHASE
24 EQUIPMENT, RAW MATERIALS, SUPPLIES AND OTHER ITEMS NECESSARY FOR
25 THE MANUFACTURE OF TEXTILES UNDER THE PRISON INDUSTRY ENHANCEMENT
26 CERTIFICATION PROGRAM AND MAY CONTRACT WITH A PRIVATE INDIVIDUAL,
27 CORPORATION, PARTNERSHIP, OR ASSOCIATION FOR THE MANUFACTURE OF

1 TEXTILES UNDER THE PRISON INDUSTRY ENHANCEMENT CERTIFICATION
2 PROGRAM AND MAY SELL OR EXCHANGE THOSE TEXTILES AS PROVIDED UNDER
3 SECTION 6(1)(D). PRISONERS PARTICIPATING IN THE PRISON INDUSTRY
4 ENHANCEMENT CERTIFICATION PROGRAM SHALL RECEIVE, IN CONNECTION WITH
5 ANY WORK PERFORMED, WAGES AT A RATE WHICH IS NOT LESS THAN THAT
6 PAID FOR WORK OF A SIMILAR NATURE IN THE LOCALITY IN WHICH THE WORK
7 WAS PERFORMED, EXCEPT THAT SUCH WAGES MAY BE SUBJECT TO DEDUCTIONS
8 WHICH SHALL NOT, IN THE AGGREGATE, EXCEED 80% OF GROSS WAGES, AND
9 SHALL BE LIMITED AS FOLLOWS:

10 (i) TAXES, INCLUDING FEDERAL, STATE, AND LOCAL TAXES.

11 (ii) REASONABLE CHARGES FOR ROOM AND BOARD, AS DETERMINED BY
12 REGULATIONS ISSUED BY THE DIRECTOR OF THE DEPARTMENT.

13 (iii) ALLOCATIONS FOR SUPPORT OF FAMILY PURSUANT TO STATE
14 STATUTE, COURT ORDER, OR AGREEMENT BY THE OFFENDER.

15 (iv) CONTRIBUTIONS TO ANY FUND ESTABLISHED BY LAW TO COMPENSATE
16 THE VICTIMS OF CRIME IN AN AMOUNT THAT IS NOT MORE THAN 20% BUT NOT
17 LESS THAN 5% OF GROSS WAGES.

18 (2) PRISONERS PARTICIPATING IN THE PRISON INDUSTRY ENHANCEMENT
19 CERTIFICATION PROGRAM SHALL PARTICIPATE IN THAT EMPLOYMENT
20 VOLUNTARILY AND MUST HAVE AGREED IN ADVANCE TO THE SPECIFIC
21 DEDUCTIONS MADE FROM GROSS WAGES REQUIRED UNDER SUBSECTION (1)(H)
22 AND ALL OTHER FINANCIAL ARRANGEMENTS AS A RESULT OF PARTICIPATION
23 IN THAT EMPLOYMENT. THE USE OF INMATE LABOR SHALL NOT RESULT IN THE
24 DISPLACEMENT OF EMPLOYED WORKERS WITHIN THE LOCAL REGION IN WHICH
25 WORK OF THE SAME OR COMPARABLE NATURE IS BEING PERFORMED.

26 Sec. 7. The department of corrections shall provide as fully
27 as practicable for the employment of inmates in tasks consistent

1 with the penal and rehabilitative purposes of their imprisonment
2 and with the public economy. The types of employment shall be as
3 follows:

4 (a) Routine maintenance and operation of correctional
5 institutions.

6 (b) Educational and rehabilitation activities, whether formal
7 or through productive or socialized activities, determined on the
8 basis of individual needs and educability.

9 (c) Productive or maintenance labor on or in connection with
10 the institution farms, or other land rented or leased by the
11 department of corrections, factories, shops, or other available
12 facilities for the production and distribution of correctional
13 industries products and services.

14 (d) Labor assignments on state public works, ways, or
15 properties when and as requisitioned by the governor or on county,
16 township, or district roads when requested by the county board of
17 commissioners pursuant to section 1 of ~~Act No. 181 of the Public~~
18 ~~Acts of 1911, being section 800.101 of the Michigan Compiled Laws~~
19 **1911 PA 181, MCL 800.101.**

20 (e) Labor assignments in private manufacturing or service
21 enterprises established under section 7a.

22 **(F) LABOR ASSIGNMENTS IN CONNECTION WITH MANUFACTURE OF**
23 **PRODUCTS UNDER SECTION 4(H) .**

24 Enacting section 1. This amendatory act does not take effect
25 unless Senate Bill No. 1485

26 of the 95th Legislature is enacted into law.