

House Bill 1530

By: Representative Teper of the 61st

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapters 1 and 5 of Title 42 of the Official Code of Georgia Annotated, relating
2 respectively to general provisions relative to penal institutions and to state and county
3 correctional institutions, so as to authorize use of inmates as voluntary labor for privately
4 owned profit-making employers producing goods and services for sale to public and private
5 purchasers; to provide for legislative findings, appropriate conditions and limitations, and
6 rules and regulations; to provide for federal certification and operation by the Department
7 of Corrections of a program of voluntary inmate labor for private employers producing goods
8 and services for sale to public and private purchasers; to provide for determinations by the
9 Georgia Department of Labor as to whether inmates would be displacing other workers and
10 whether labor shortages exist; to provide for related matters; to provide for an effective date;
11 to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 style="text-align:center">**SECTION 1.**

14 Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to general
15 provisions relative to penal institutions, is amended in Code Section 42-1-5, relating to use
16 of inmates for private gain, by striking in its entirety subsection (d) and inserting in its place
17 the following:

18 "(d) This Code section shall not apply to:

19 (1) Work on private property because of natural disasters;

20 (2) Work or other programs or releases which have the prior approval of the board or
21 commissioner of corrections;

22 (3) Community service work programs; ~~or~~

23 (4) Work-release programs; ~~or~~

24 (5) Work programs authorized by Article 6 of Chapter 5 of this title."

SECTION 2.

Chapter 5 of Title 42 of the Official Code of Georgia Annotated, relating to state and county correctional institutions, is amended by inserting a new article to be designated Article 6 to read as follows:

"ARTICLE 6

42-5-120.

The General Assembly finds and declares that:

(1) Under the appropriate conditions and limitations, voluntary labor by inmates of state and county correctional institutions for privately owned profit-making employers producing goods or services for sale to public or private purchasers provides substantial public benefits by generating taxes from inmate income; lowering the cost of incarceration by enabling participating inmates to pay room and board; providing participating inmates income to pay fines, restitution, and family support; providing job experience and skills to participating inmates; allowing participating inmates to accumulate savings available for their use when released from the correctional institution; and lowering recidivism rates;

(2) Appropriate conditions and limitations for voluntary labor by inmates for privately owned profit-making employers producing goods and services for sale to public and private purchasers include but are not limited to: selection of participating inmates with careful attention to security issues; appropriate supervision of inmates during travel or employment outside the correctional institution; assurances that inmates are not displacing other workers and are employed only in the event of genuine labor shortages; consultations with local private employers that may be economically impacted; consultations with local labor unions and other local employee groups, especially those who have an interest in the trade or skill to be performed by the inmates; payment of inmates at the local prevailing wage for such work; and provision of benefits to participating inmates comparable to benefits provided for noninmate workers; and

(3) Requirements for the federal Prison Industry Enhancement Certification Program authorized by 18 U.S.C. Section 1761 and federal regulations as now or hereafter amended are sufficient to ensure appropriate conditions and limitations in many areas of concern for programs of voluntary labor by inmates for privately owned profit-making employers producing goods and services for sale to public and private purchasers.

1 42-5-121.

2 The board is authorized to issue and promulgate rules and regulations for a program of
3 voluntary labor by inmates for privately owned profit-making employers producing goods
4 and services for sale to public and private purchasers. Such rules and regulations shall be
5 designed to meet the published requirements of the Prison Industry Enhancement
6 Certification Program authorized by 18 U.S.C. Section 1761 and federal regulations as now
7 or hereafter amended and to provide other appropriate conditions and limitations including
8 but not limited to those set out in Code Section 42-5-120. Such rules and regulations shall
9 set out procedures for reimbursement of the state by employers or inmate employees for
10 administrative and other costs of the program in compliance with Prison Industry
11 Enhancement Certification Program requirements.

12 42-5-122.

13 The department shall seek certification under the federal Prison Industry Enhancement
14 Certification Program authorized by 18 U.S.C. Section 1761 and federal regulations as now
15 or hereafter amended for a program of voluntary labor by inmates for privately owned
16 profit-making employers producing goods and services for sale to public and private
17 purchasers. After receiving certification, the department is authorized to operate one or
18 more such programs.

19 42-5-123.

20 Following the issuance and promulgation of rules and regulations, the department is
21 authorized to publicize the program and invite employers to participate. The department
22 shall rely upon the Georgia Department of Labor for determining whether inmates would
23 be displacing other workers and whether labor shortages exist, and the Georgia Department
24 of Labor is authorized to provide such determinations to the department."

25 **SECTION 3.**

26 This Act shall become effective on July 1, 2002.

27 **SECTION 4.**

28 All laws and parts of laws in conflict with this Act are repealed.