

The House Committee on State Institutions and Property offer the following substitute to HB 734:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 42-5-60 of the Official Code of Georgia Annotated, relating to hiring out of penal system inmates, so as to provide that inmates may be allowed to provide volunteer services for programs of certain nonprofit organizations to the extent authorized by the rules and regulations of the Board of Corrections; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 42-5-60 of the Official Code of Georgia Annotated, relating to hiring out of penal system inmates, is amended by striking subsection (a) and inserting in its place a new subsection to read as follows:

"(a)(1) The board shall provide rules and regulations governing the hiring out of inmates by any penal institution under its authority to municipalities, cities, the Department of Transportation, and any other political subdivision, public authority, public corporation, agency, or state or local government, which entities are authorized by this subsection to contract for and receive the inmates. Such inmates shall not be hired out to private persons or corporations, nor shall any instrumentality of government authorized by this subsection to utilize penal labor use such labor in any business conducted for profit, except as provided in Code Section 42-5-59; provided, however, ~~inmate~~ that:

(A) Inmate trainees enrolled in any vocational, technical, or educational training program authorized and supported by the department may repair or otherwise utilize any privately owned property or equipment as well as any other property or equipment in connection with the activities of any such training program, so long as the repair or utilization contributes to the inmate's acquisition of any desired vocational, technical, or educational skills; and

(B) To the extent authorized by the rules and regulations of the board, inmates may be allowed to participate in programs of volunteer service as authorized by this

1 subparagraph. The rules and regulations of the board shall prescribe criteria for
 2 nonprofit organizations eligible to receive volunteer services. Such criteria shall
 3 require that any participating nonprofit organization be qualified as exempt from
 4 taxation under Section 501(c)(3) of the Internal Revenue Code of 1986 and shall give
 5 consideration in determining eligibility to the nonprofit organization's history of service
 6 activities and the length of time for which it has been in existence and providing such
 7 services. Any such volunteer service program shall include elements whereby the
 8 volunteer inmates provide services of benefit to the community while receiving training
 9 or work experience suitable for their rehabilitation. The board may authorize such
 10 voluntary inmate participation, notwithstanding the fact that the nonprofit organization
 11 may receive direct or indirect payment as a result of such inmate participation;
 12 notwithstanding the fact that the services rendered may provide some degree of benefit
 13 to private individuals or organizations or both; and notwithstanding the fact that some
 14 inmate participation may take place outside the confines of a penal institution.

15 (2) Notwithstanding any other provisions of this subsection, any private person,
 16 organization, or corporation with whom the commissioner has contracted for the land
 17 acquisition, design, construction, operation, maintenance, use, lease, or management of
 18 a state prison or for any services related to the custody, care, and control of inmates as
 19 authorized by Code Section 42-2-8 may utilize penal labor in the same manner as any
 20 such labor may be utilized by any other penal institution operated under the authority of
 21 the board. Agreements made pursuant to Code Section 42-2-8 for the land acquisition,
 22 design, construction, operation, maintenance, use, lease, or management of a state prison
 23 or for any services related to the care, custody, and control of inmates shall factor the
 24 value of penal labor such that the state is the only financial beneficiary of the same."

25 SECTION 2.

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