

House Bill 734 (AS PASSED HOUSE AND SENATE)

By: Representative Skipper of the 137th

A BILL TO BE ENTITLED
AN ACT

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

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

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

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

25 (B) To the extent authorized by the rules and regulations of the board, inmates may be
26 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.