

House Bill 313 (AM)

By: Representative Barnard of the 166<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 6 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated,  
2 relating to voluntary inmate labor programs, so as to clarify that the Georgia Correctional  
3 Industries Administration has authority to administer and manage certain inmate work  
4 programs and to publicize and invite employers to participate in such inmate work programs;  
5 to prohibit employers that participate in inmate work programs from providing any thing of  
6 value to the Board of Corrections, the Department of Corrections, the Georgia Correctional  
7 Industries Administration, or any officer or employee thereof other than the payments  
8 authorized by law; to prohibit the Board of Corrections, the Department of Corrections, the  
9 Georgia Correctional Industries Administration, and any officer or employee thereof from  
10 accepting any thing of value other than the payments authorized by law from employers that  
11 participate in inmate work programs; to provide a definition; to provide a penalty; to amend  
12 Code Section 42-10-4 of the Official Code of Georgia Annotated, relating to the powers of  
13 the Georgia Correctional Industries Administration, so as to clarify that the administration  
14 has authority to administer, manage, and publicize certain inmate work programs; to provide  
15 for related matters; to provide an effective date; to repeal conflicting laws; and for other  
16 purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 Article 6 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated, relating to  
20 voluntary inmate labor programs, is amended by revising subsection (a) of Code Section  
21 42-5-120, relating to rules and regulations of the Board of Corrections, as follows:

22 "(a) The board is authorized to issue and promulgate rules and regulations for programs  
23 of voluntary labor by inmates for privately owned profit-making employers to produce  
24 goods, services, or goods and services for sale to public and private purchasers. Such rules  
25 and regulations shall be designed to meet the published requirements of the Prison Industry  
26 Enhancement Certification Program authorized by 18 U.S.C. Section 1761 and federal

1 regulations and to provide other appropriate conditions and limitations. Such rules and  
 2 regulations may provide for administration and management of such work programs by the  
 3 department and the Georgia Correctional Industries Administration."

#### 4 SECTION 2.

5 Said article is further amended by revising Code Section 42-5-123, relating to compensation  
 6 by employers for administrative and other costs to the state, as follows:

7 "42-5-123.

8 (a) The board shall ensure by rules or by contractual provisions that the privately owned  
 9 profit-making employers compensate the department and the Georgia Correctional  
 10 Industries Administration for any administrative costs or other costs incurred by the  
 11 department or the administration for the operation of the program or programs. The board  
 12 shall ensure by rules or by contractual provisions that the department and the  
 13 administration are compensated for use of any employees of the department or the  
 14 administration, use of any space owned by or under the control of the department or the  
 15 administration, or use of any other resources of the department or the administration in the  
 16 operation of the program or programs.

17 (b) Employers that participate in inmate work programs under this article shall be  
 18 prohibited from providing any thing of value to the Board of Corrections, the Department  
 19 of Corrections, the Georgia Correctional Industries Administration, or any officer or  
 20 employee thereof other than the payments authorized by this Code section. The Board of  
 21 Corrections, the Department of Corrections, the Georgia Correctional Industries  
 22 Administration, and any officer or employee thereof shall be prohibited from accepting any  
 23 thing of value, other than the payments authorized by this Code section, from employers  
 24 that participate in inmate work programs under this article. As used in this Code section,  
 25 the term 'thing of value' shall have the same meaning as that term is defined in Code  
 26 Section 16-10-2."

#### 27 SECTION 3.

28 Said article is further amended by revising Code Section 42-5-124, relating to publicizing  
 29 and inviting participation in voluntary inmate labor programs, as follows:

30 "42-5-124.

31 Following the issuance and promulgation of rules and regulations, the department is and  
 32 the Georgia Correctional Industries Administration are authorized to publicize the program  
 33 and invite employers to participate. The department shall rely upon the Georgia  
 34 Department of Labor for determining whether inmates would be displacing other workers,  
 35 whether labor shortages exist, and the prevailing local wage for work to be done by

1 inmates. The Georgia Department of Labor is authorized to provide such determinations  
2 to the department."

3 **SECTION 4.**

4 Code Section 42-10-4 of the Official Code of Georgia Annotated, relating to the powers of  
5 the Georgia Correctional Industries Administration, is amended by replacing "; and" with ";"  
6 at the end of paragraph (11), by replacing "." with ";" and" at the end of paragraph (12), and  
7 by adding a new paragraph as follows:

8 "(13) As provided for in Article 6 of Chapter 5 of Title 42 and as directed by the rules  
9 and regulations promulgated by the board, to administer and manage volunteer inmate  
10 work programs and to publicize and invite employers to participate in such programs."

11 **SECTION 5.**

12 This Act shall become effective upon its approval by the Governor or upon its becoming law  
13 without such approval.

14 **SECTION 6.**

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