

House Bill 778

By: Representatives Hanner of the 148th and Neal of the 1st

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 42-5-60, relating to hiring out of inmates, participation of inmates
2 in programs of volunteer service, sale of products produced by inmates, disposition of
3 proceeds, and payment to inmates for services, so as to clarify provisions relating to inmates
4 performing services for municipalities, counties, and other political subdivisions; to provide
5 for related matters; to provide an effective date; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 42-5-60, relating to hiring out of inmates, participation of inmates in programs
10 of volunteer service, sale of products produced by inmates, disposition of proceeds, and
11 payment to inmates for services, is amended by revising paragraph (1) of subsection (a) as
12 follows:

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

22 (A) Inmate trainees enrolled in any vocational, technical, or educational training
23 program authorized and supported by the department may repair or otherwise utilize
24 any privately owned property or equipment as well as any other property or equipment
25 in connection with the activities of any such training program, so long as the repair or

26 utilization contributes to the inmate's acquisition of any desired vocational, technical,
 27 or educational skills; ~~and~~
 28 (B) To the extent authorized by the rules and regulations of the board, inmates may be
 29 allowed to participate in programs of volunteer service as authorized by this
 30 subparagraph. The rules and regulations of the board shall prescribe criteria for
 31 nonprofit organizations eligible to receive volunteer services. Such criteria shall
 32 require that any participating nonprofit organization be qualified as exempt from
 33 taxation under Section 501(c)(3) of the Internal Revenue Code of 1986 and shall give
 34 consideration in determining eligibility to the nonprofit organization's history of service
 35 activities and the length of time for which it has been in existence and providing such
 36 services. Any such volunteer service program shall include elements whereby the
 37 volunteer inmates provide services of benefit to the community while receiving training
 38 or work experience suitable for their rehabilitation. The board may authorize such
 39 voluntary inmate participation, notwithstanding the fact that the nonprofit organization
 40 may receive direct or indirect payment as a result of such inmate participation;
 41 notwithstanding the fact that the services rendered may provide some degree of benefit
 42 to private individuals or organizations or both; and notwithstanding the fact that some
 43 inmate participation may take place outside the confines of a penal institution; and
 44 (C) Nothing contained in this Code section shall be construed as prohibiting an inmate
 45 from performing a service under a contract or agreement with a municipality, city,
 46 county, or other political subdivision for a public benefit that requires entrance onto
 47 privately owned property, including such services as animal control, fire protection, and
 48 disaster relief assistance."

49 **SECTION 2.**

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

52 **SECTION 3.**

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