

SENATE BILL NO. 400

March 2, 1999, Introduced by Senator VAN REGENMORTER and referred to the Committee on Judiciary.

A bill to amend 1953 PA 232, entitled

"An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

by amending section 65c (MCL 791.265c), as amended by 1993 PA

34.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 65c. (1) As used in this section, "work camp" means a
2 correctional facility that houses prisoners who are made avail-
3 able for work as provided in subsection (3).

4 (2) The department may construct, maintain, and operate work
5 camps for the purpose of housing prisoners who are under its
6 jurisdiction.

7 (3) Prisoners assigned to work camps may be provided an
8 opportunity to do any of the following, as long as the department
9 has reasonable cause to believe the prisoner will honor the trust
10 placed in him or her by such an assignment:

11 (a) Perform meaningful work at paid employment in the
12 community.

13 (b) Provide labor on public works projects.

14 (c) Perform meaningful work on projects that serve the
15 public interest or a charitable purpose and are operated by
16 organizations that are exempt from taxation under section
17 501(c)(3) of the internal revenue code. Work performed by pris-
18 oners pursuant to this subdivision shall not result in a competi-
19 tive disadvantage to a for profit enterprise.

20 (4) Prisoners made available for work under subsection
21 (3)(c) shall not be assigned to work on projects in a manner that
22 results in the displacement of employed persons in the community
23 or the replacement of workers on strike or locked out of work.
24 If a collective bargaining agreement is in effect at a place of
25 employment that is the site of a proposed work project under
26 subsection (3)(c), that bargaining unit must agree to the

1 assignment of prisoners at the place of employment before the
2 assignment is made.

3 (5) The warden at a correctional facility that makes prison-
4 ers available for work under subsection (3)(c) shall appoint a
5 7-member citizens advisory committee for the purpose of obtaining
6 public input on proposals for assigning prisoners to work on
7 those projects. The committee shall include broad representation
8 from the community in which the proposed work project is to be
9 located, including representatives of business, community serv-
10 ice, and religious organizations and the president of the local
11 AFL-CIO central labor council, or his or her designee. Before
12 prisoners are assigned to a proposed work project, the proposed
13 assignment shall be reviewed by the citizens advisory committee.

14 (6) The department annually shall submit to the house and
15 senate appropriations subcommittees on corrections a report on
16 work projects in which prisoners are made available for work
17 under subsection (3)(c), including, but not limited to, the
18 number of work projects, the number of prisoners placed on each
19 work project, the type of work performed, and any problems raised
20 by an advisory committee with respect to the work project.

21 (7) The willful failure of a prisoner to report to or return
22 from an assignment to paid employment in the community or on a
23 public work project within the time prescribed, or to remain
24 within the prescribed limits of such an assignment, shall be con-
25 sidered an escape from lawful custody as provided in section
26 193(3) of the Michigan penal code, ~~Act No. 328 of the Public~~

1 ~~Acts of 1931, as amended, being section 750.193 of the Michigan~~
2 ~~Compiled Laws~~ 1931 PA 328, MCL 750.193.

3 (8) Prisoners employed at paid employment in the community
4 shall reimburse the department for food, clothing, and daily
5 travel expenses to and from work for days worked.

6 (9) The wages of prisoners employed at paid employment in
7 the community shall be collected by the work camp responsible for
8 the prisoner's care.

9 (10) A work camp collecting wages of a prisoner pursuant to
10 subsection (9) shall disperse wages collected in the following
11 priority order:

12 (A) PAYMENT OF RESTITUTION TO THE VICTIM OF THE PRISONER'S
13 CRIME OR THE VICTIM'S ESTATE IF THE PRISONER HAS BEEN SENTENCED
14 TO MAKE RESTITUTION PURSUANT TO THE CRIME VICTIM'S RIGHTS ACT,
15 1985 PA 87, MCL 780.751 TO 780.834, OR CHAPTER IX OF THE CODE OF
16 CRIMINAL PROCEDURE, 1927 PA 175, MCL 769.1 TO 769.35.

17 (B) ~~(a)~~ Reimbursement to the department pursuant to sub-
18 section (8).

19 (C) ~~(b)~~ Support of the prisoner's dependents who are
20 receiving public assistance up to the maximum of the public
21 assistance benefit but not exceeding 50% of the prisoner's net
22 earnings.

23 (D) ~~(c)~~ For prisoners without dependents receiving
24 public assistance, 50% of the prisoner's net earnings shall be
25 placed, at the prisoner's option, in either the prisoner's per-
26 sonal noninstitutional savings account or in escrow by the
27 department for use by the prisoner upon release.

1 (E) ~~(d)~~ The balance, if any, to the prisoner's
2 institutional account.

3 (11) An employer who employs a prisoner pursuant to this
4 section for work to which ~~Act No. 166 of the Public Acts of~~
5 ~~1965, as amended, being sections 408.551 to 408.558 of the~~
6 ~~Michigan Compiled Laws~~ 1965 PA 166, MCL 408.551 TO 408.558,
7 applies shall pay the prisoner the prevailing wage as provided in
8 that act.

9 (12) An employer who employs a prisoner pursuant to this
10 section for work that is not under ~~Act No. 166 of the Public~~
11 ~~Acts of 1965, as amended~~ 1965 PA 166, MCL 408.551 TO 408.558,
12 shall pay the prisoner not less than the wage the employer pays
13 to other employees with similar skills and experience.

14 (13) The department shall promulgate rules pursuant to the
15 ~~Administrative~~ ADMINISTRATIVE procedures act of 1969, ~~Act~~
16 ~~No. 306 of the Public Acts of 1969, as amended, being sections~~
17 ~~24.201 to 24.328 of the Michigan Compiled Laws~~ 1969 PA 306, MCL
18 24.201 TO 24.328, to establish criteria by which the department
19 shall determine eligibility for participation in the programs of
20 paid employment in the community established by this section.