

# SENATE BILL No. 632

June 28, 2007, Introduced by Senators ALLEN, KUIPERS, KAHN, JELINEK and PAPPAGEORGE and referred to the Committee on Judiciary.

A bill to amend 1968 PA 15, entitled "Correctional industries act," by amending section 6 (MCL 800.326), as amended by 1996 PA 537.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 6. (1) Correctional industries products may be sold,  
2 exchanged, or purchased by ~~institutions~~ **ANY OF THE FOLLOWING:**

3       **(A) AN INSTITUTION** of this or any other state or political  
4 subdivision of this or any other state, the federal government or  
5 agencies of the federal government, a foreign government or  
6 agencies of a foreign government, **OR** a private vendor that operates  
7 ~~the youth correctional facility, or any~~ **A CORRECTIONAL FACILITY IN**  
8 **THIS STATE.**

9       **(B) ANY** organization that is a tax exempt organization under

1 section 501(c)(3) of the internal revenue code.

2 (C) ANY PRIVATE BUSINESS OR INDIVIDUAL, IF THE PRODUCTS ARE  
3 CUT AND SEWN TEXTILES, BUT ONLY IF THE SAME OR A SIMILAR PRODUCT IS  
4 NOT MANUFACTURED BY A PRIVATE BUSINESS IN THIS STATE.

5 (2) An agricultural product that is produced on a correctional  
6 farm may be utilized within the correctional institutions or within  
7 a youth correctional facility notwithstanding its operation by a  
8 private vendor or sold to an institution, governmental agency, or  
9 organization described in subsection (1) or sold for utilization in  
10 the food production facilities of the department of corrections  
11 notwithstanding the operation of those facilities by a private  
12 vendor. An agricultural product that is not utilized or sold as  
13 provided in this subsection shall be made available without charge  
14 to nonprofit charitable organizations or to the family independence  
15 agency for use in food banks, bulk food distributions, or similar  
16 charitable food distribution programs. This subsection does not  
17 apply to an agricultural product that is not in a form suitable for  
18 use in the manner prescribed in this section, such as bulk grain,  
19 live cattle, and hogs, which may be sold on the open market.

20 (3) Except as provided in subsections (4) and (5), the labor  
21 of inmates shall not be sold, hired, leased, loaned, contracted  
22 for, or otherwise used for private or corporate profit or for any  
23 purpose other than the construction, maintenance, or operation of  
24 public works, ways, or property as directed by the governor. This  
25 act does not prohibit the sale at retail of articles made by  
26 inmates for the personal benefit of themselves or their dependents  
27 or the payment to inmates for personal services rendered in the

1 correctional institutions, subject to regulations approved by the  
2 department of corrections, or the use of inmate labor upon  
3 agricultural land that has been rented or leased by the department  
4 of corrections upon a sharecropping or other basis.

5 (4) If more than 80% of a particular product sold in the  
6 United States is manufactured outside the United States and none of  
7 that product is manufactured in this state, or if a particular  
8 service is not performed in this state, as determined by the  
9 department of corrections in conjunction with the advisory council  
10 for correctional industries, inmate labor may be used in the  
11 manufacture of that product or the rendering of that service in a  
12 private manufacturing or service enterprise established under  
13 section 7a. A determination by the department of corrections under  
14 this subsection shall be made at the time the individual or  
15 business entity applies to the department for approval to produce  
16 that product or render that service pursuant to section 7a.

17 ~~—— (5) Inmate labor may be used in the youth correctional~~  
18 ~~facility notwithstanding the operation of that facility by a~~  
19 ~~private vendor.~~