

1 SB63
2 128090-3
3 By Senator Orr
4 RFD: Finance and Taxation General Fund
5 First Read: 07-FEB-12
6 PFD: 11/18/2011

1 SB63

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Sections 14-7-7 and 14-7-22, Code of
12 Alabama 1975, relating to the Department of Corrections prison
13 industries, inmate training, and inmate rehabilitation; to
14 authorize the department to contract with private industry for
15 on-site work programs; and to further provide vocational
16 training and the rehabilitation of inmates through greater
17 utilization of prison industries.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Sections 14-7-7 and 14-7-22, Code of
20 Alabama 1975, are amended to read as follows:

21 "§14-7-7.

22 "It is hereby declared to be the intent of this
23 chapter:

24 "(1) To provide more adequate, regular and suitable
25 employment for the vocational training and rehabilitation of

1 the prisoners of this state, consistent with proper penal
2 purposes~~7~~.

3 "(2) To utilize the labor of prisoners for
4 self-maintenance, ~~and for~~ reimbursing this state for expenses
5 incurred by reason of their crimes and imprisonment, ~~and, and~~
6 for initial living expenses upon reentry into the community
7 following release from prison.

8 "(3) To effect the requisitioning and disbursement
9 of prison products directly through established state
10 authorities without possibility of private profits therefrom.

11 "(4) To provide prison industry projects designed to
12 place inmates in working and training environments in which
13 they are able to acquire marketable skills and earn money to
14 off-set the cost of incarceration, make payments for
15 restitution to their victims, provide support for their
16 families, and prepare for their release from prison.

17 "§14-7-22.

18 "(a) ~~On and after August 13, 1976, it~~ It shall be
19 unlawful for the Department of Corrections to sell or offer
20 for sale on the open market of this state any articles or
21 products manufactured wholly or in part in this or any other
22 state by prisoners of this state or any other state, except
23 prisoners participating in community correction programs, as
24 defined under Section 15-18-170, et seq., or on parole, or
25 probation, or any other kind of community supervision.

1 "(b) Any person who willfully violates ~~the~~
2 ~~provisions of~~ subsection (a) ~~of this section~~ shall be guilty
3 of a misdemeanor and, upon conviction, shall be confined in
4 jail for not less than 10 days nor more than one year or shall
5 be fined not less than ~~\$10.00~~ ten dollars (\$10) nor more than
6 ~~\$500.00~~ five hundred dollars (\$500), or both, in the
7 discretion of the court."

8 Section 2. (a) In order to implement work-oriented
9 rehabilitation programs in an actual private enterprise work
10 environment, the Commissioner of the Department of Corrections
11 may contract or enter into agreements with private
12 individuals, enterprises, partnerships, or corporations to
13 develop joint plants, businesses, factories, or commercial
14 enterprises. The contracts or agreements shall be limited to
15 those in which the department contracts or agrees to furnish
16 inmate labor for the manufacture of articles or products or to
17 furnish inmate labor for the provision of service in
18 facilities furnished by the department or the party or parties
19 and enter into contracts or agreements with the department.
20 The facilities shall be on property owned or operated by the
21 department or at any prison facility housing inmates sentenced
22 to the department.

23 (b) An inmate may participate in the program
24 established pursuant to this section only on a voluntary basis
25 and only after he or she has been informed of the conditions
26 of his or her employment.

1 (c) Inmates participating in programs where articles
2 or products are manufactured in part or in whole shall earn
3 not less than the prevailing wage for work of a similar nature
4 in the private sector. The earnings of an inmate authorized to
5 work at paid employment pursuant to this act shall be paid
6 directly to the department. The department shall adopt rules
7 concerning the disbursement of any earnings of the inmates
8 involved in a program established pursuant to this section,
9 including the payment of any court ordered restitution. The
10 department shall withhold from an inmate's earnings the costs
11 incident to the inmate's confinement, as the department shall
12 deem appropriate and reasonable, and the moneys collected
13 shall be deposited into the Department of Corrections Special
14 Revenue Fund. In no event shall the withheld earnings exceed
15 40 percent of the gross earnings of the inmate. The department
16 shall also comply with any order from a court of proper
17 jurisdiction that directs the withholding of funds from an
18 inmate's personal funds, not to exceed 40 percent of the
19 earnings of the inmate. After all expenses have been deducted
20 by the department, the remainder of the inmate's earnings
21 shall be credited to his or her account with the department.
22 All such manufacturing programs shall be operated in
23 compliance with the Federal Prison Industries Enhancement Act
24 codified at 18 U.S.C. §1761(c).

1 (d) An inmate participating in the program shall not
2 be considered an employee of the state and shall not be
3 entitled to employee benefits.

4 (e) All products, goods, or items produced by work
5 done under the auspices of contracts or agreements with the
6 Department of Corrections shall be marketed by the party or
7 parties that entered into the contract or agreement. In no
8 instance may the department market these products, goods, or
9 items.

10 (f) The Commissioner of the Department of
11 Corrections may enter into contracts necessary to implement
12 the prison industry program. The contractual agreements may
13 include rental or lease agreements for state buildings or sale
14 or lease of land on the grounds at an institution or a
15 facility of the department and provide for reasonable access
16 to and egress from the building to establish and operate a
17 facility. Rental or lease agreements shall be exempt from the
18 provisions and requirements of Chapter 16 of Title 41 of the
19 Code of Alabama 1975, and other competitive bid laws.

20 (g) The Department of Corrections and the party or
21 parties that enter into contracts or agreements under this act
22 shall be exempt from the provisions or penalties of Sections
23 14-5-2 and 14-7-22 of the Code of Alabama 1975.

24 (h) Nothing in this section or act shall cause a
25 reduction in the number of prisoners provided for training and
26 work programs conducted on the campus of and by a two-year

1 college and all such programs shall be provided a satisfactory
2 number of prisoners for their prison education programs and
3 all such prison education appropriations shall continue to
4 fund such programs within the two-year college system as set
5 forth in the Education Trust Fund budget.

6 Section 3. (a) The Department of Correction shall
7 annually submit a report to the Joint Legislative Prison
8 Committee as to the types or kinds of prison industries
9 occurring under this act.

10 (b) All contracts issued pursuant to this act shall
11 be reviewed by the Permanent Legislative Oversight Contract
12 Review Committee.

13 Section 4. This act shall become effective
14 immediately following its passage and approval by the
15 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Finance and Taxation General Fund ... 07-FEB-12

Read for the second time and placed on the calen-
dar..... 08-FEB-12

Read for the third time and passed as amended 14-FEB-12

Yeas 27
Nays 1

Patrick Harris
Secretary