

1 SB63  
2 128090-7  
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 ENROLLED, An Act,

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

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

15 "§14-7-7.

16 "It is hereby declared to be the intent of this  
17 chapter:

18 "(1) To provide more adequate, regular and suitable  
19 employment for the vocational training and rehabilitation of  
20 the prisoners of this state, consistent with proper penal  
21 purposes.

22 "(2) To utilize the labor of prisoners for  
23 self-maintenance, reimbursing this state for expenses incurred  
24 by reason of their crimes and imprisonment, and for initial

1 living expenses upon reentry into the community following  
2 release from prison.

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

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

12 "§14-7-22.

13 "(a) It shall be unlawful for the Department of  
14 Corrections to sell or offer for sale on the open market of  
15 this state any articles or products manufactured wholly or in  
16 part in this or any other state by prisoners of this state or  
17 any other state, except prisoners participating in community  
18 correction programs, as defined under Section 15-18-170, et  
19 seq., or on parole, probation, or any other kind of community  
20 supervision.

21 "(b) Any person who willfully violates subsection  
22 (a) shall be guilty of a misdemeanor and, upon conviction,  
23 shall be confined in jail for not less than 10 days nor more  
24 than one year or shall be fined not less than ten dollars

1 (\$10) nor more than five hundred dollars (\$500), or both, in  
2 the discretion of the court."

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

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

22 (c) Inmates participating in programs where articles  
23 or products are manufactured in part or in whole shall earn  
24 not less than the prevailing wage for work of a similar nature  
25 in the private sector. The earnings of an inmate authorized to

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

21 (d) An inmate participating in the program shall not  
22 be considered an employee of the state and shall not be  
23 entitled to employee benefits.

24 (e) All products, goods, or items produced by work  
25 done under the auspices of contracts or agreements with the

1 Department of Corrections shall be marketed by the party or  
2 parties that entered into the contract or agreement. In no  
3 instance may the department market these products, goods, or  
4 items.

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

15 (g) The Department of Corrections and the party or  
16 parties that enter into contracts or agreements under this act  
17 shall be exempt from the provisions or penalties of Sections  
18 14-5-2 and 14-7-22 of the Code of Alabama 1975.

19 (h) Nothing in this section or act shall cause a  
20 reduction in the number of prisoners provided for training and  
21 work programs conducted on the campus of and by a two-year  
22 college and all such programs shall be provided a satisfactory  
23 number of prisoners for their prison education programs and  
24 all such prison education appropriations shall continue to

1 fund such programs within the two-year college system as set  
2 forth in the Education Trust Fund budget.

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

7 (b) All contracts issued pursuant to this act shall  
8 be reviewed by the Permanent Legislative Oversight Contract  
9 Review Committee.

10 Section 4. This act shall become effective  
11 immediately following its passage and approval by the  
12 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB63

Senate 14-FEB-12

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris  
Secretary

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House of Representatives

Passed: 03-APR-12

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By: Senator Orr