

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 51
Committee Substitute Favorable 3/7/94

Short Title: DOC Inmates Must Work.

(Public)

Sponsors:

Referred to:

February 8, 1994

A BILL TO BE ENTITLED

AN ACT TO AMEND THE STATE POLICY ON EMPLOYMENT OF PRISONERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 148-26 reads as rewritten:

"§ 148-26. State policy on employment of prisoners.

(a) It is declared to be the public policy of the State of North Carolina that the Department of Correction shall provide or arrange for work assignments for all able-bodied prison inmates-inmates, and the inmates shall be required to perform diligently all work assignments provided for them. The failure of any inmate to perform such a work assignment may-without good cause shall result in disciplinary action. Work assignments and employment shall be for the public benefit to reduce the cost of maintaining the inmate population while enabling inmates to acquire or retain skills and work habits needed to secure honest employment after their release.

In exercising his power to enter into contracts to supply inmate labor as provided by this section, the Secretary of Correction shall not assign any inmate to work under any such contract who is eligible for work release as provided in this Article, study release as provided by G.S. 148-4(4), or who is eligible for a program of vocational rehabilitation services through the State Vocational Rehabilitation Agency, unless suitable work release employment or educational opportunity cannot be found for the inmate, and the inmate is not eligible for a program of vocational rehabilitation services through the State Vocational Rehabilitation Agency, and shall not agree to supply inmate labor for any project or service unless it meets all of the following criteria:

- 1 (1) The project or service involves a type of work by which inmates can
- 2 develop a skill to better equip themselves to return to society;
- 3 (2) The project or service is of benefit to the citizens of North Carolina or
- 4 units of State or local government thereof;
- 5 (3) Repealed by Session Laws 1977, c. 824, s. 2.
- 6 (4) Wages shall be paid in an amount not exceeding one dollar (\$1.00) per
- 7 day per inmate by the local or State contracting agency.

8 (b) As many minimum custody prisoners as are available and fit for road work,
9 who cannot appropriately be placed on work release, study release, or other full-time
10 programs, and as many medium custody prisoners as are available, fit for road work and
11 can be adequately guarded during such work without reducing security levels at prison
12 units, shall be employed in the maintenance and construction of public roads of the
13 State. Prisoners engaged in work on the public roads and supervisors shall be
14 identifiable to the general public through the use of signs, appropriate apparel, and by
15 other means designed to identify them as prison road crews, including the provision of
16 the word 'INMATE' on the front and back of the prisoners' clothing, and to separately
17 identify Department of Transportation or Department of Correction supervisors. The
18 number and location of prisoners to be kept available for work on the public roads shall
19 be agreed upon by the governing authorities of the Department of Transportation and
20 the State Department of Correction far enough in advance of each budget to permit
21 proper provisions to be made in the request for appropriations submitted by the
22 Department of Transportation. Any dispute between the Departments will be resolved
23 by the Governor. Prisoners so employed shall be compensated, at rates fixed by the
24 Department of Correction's rules and regulations for work performed; provided, that no
25 prisoner working on the public roads under the provisions of this section shall be paid
26 more than one dollar (\$1.00) per day from funds provided by the Department of
27 Transportation to the Department of Correction for this purpose. The Department of
28 Correction and the Department of Transportation shall develop a program to be
29 implemented no later than July 1, 1982, to the extent money is herein appropriated,
30 which shall include:

- 31 (1) The use of portable toilets for inmate road crews.

32 (c) As many of the male prisoners available and fit for forestry work shall be
33 employed in the development and improvement of state-owned forests as can be used
34 for this purpose by the agencies controlling these forests.

35 (d) The remainder of the able-bodied inmates of the State prison system shall be
36 employed so far as practicable in prison industries and agriculture, giving preference to
37 the production of food supplies and other articles needed by state-supported institutions
38 or activities.

39 (e) The State Department of Correction may make such contracts with
40 departments, institutions, agencies, and political subdivisions of the State for the hire of
41 prisoners to perform other appropriate work as will help to make the prisons as nearly
42 self-supporting as is consistent with the purposes of their creation. State agencies and
43 political subdivisions of the State shall periodically consult with the Department of
44 Correction on the availability of inmate labor for work assignments, services, and other

1 tasks that the agencies and political subdivisions need performed. The Department of
2 Correction may contract with any person or any group of persons for the hire of
3 prisoners for forestry work, soil erosion control, water conservation, hurricane damage
4 prevention, or any similar work certified by the Secretary of Environment, Health, and
5 Natural Resources as beneficial in the conservation of the natural resources of this State.
6 All contracts for the employment of prisoners shall provide that they shall be fed,
7 clothed, quartered, guarded, and otherwise cared for by the Department of Correction.
8 Such work may include but is not limited to work with State or local government
9 agencies in cleaning, construction, landscaping and maintenance of roads, parks, nature
10 trails, bikeways, cemeteries, landfills or other government-owned or operated facilities.

11 (e1) The Department of Correction may contract with the Department of
12 Environment, Health, and Natural Resources to provide inmate labor to assist the
13 Department of Environment, Health, and Natural Resources in abatement activities
14 conducted at nuisance scrap tire collection sites pursuant to the North Carolina Scrap
15 Tire Disposal Act, Part 2B of Article 9 of Chapter 130A of the General Statutes. Prior
16 to executing the contract, the Department of Environment, Health, and Natural
17 Resources, the Department of Correction, and the Department of Transportation may
18 jointly develop a proposed nuisance scrap tire collection site abatement plan for inmate
19 labor that addresses the following:

- 20 (1) The priority list developed by the Department of Environment, Health,
21 and Natural Resources for abatement activities;
- 22 (1a) The ability to supply sufficient volume of scrap tires to encourage
23 private enterprise recycling;
- 24 (2) The ability of the Department of Correction to provide proper security
25 and supervision of inmates at the sites;
- 26 (3) The ability of the Department of Transportation to use the scrap tires
27 in road construction or for other purposes;
- 28 (4) The availability of funds to execute the contract;
- 29 (5) The allocation of responsibilities and costs among the three
30 departments; and
- 31 (6) The number and location of sites for which abatement activities by
32 inmate labor are feasible, based on the criteria set out in this subsection
33 and subsection (e) of this section.

34 Funds available for cleanup in the Scrap Tire Disposal Account shall be used to
35 implement this contract, subject to the provisions of G.S. 130A-309.63(d). The
36 Department of Environment, Health, and Natural Resources shall report to the Joint
37 Legislative Commission on Governmental Operations by August 1, 1994, on the
38 implementation of this subsection.

39 It is the intent of this subsection to not interfere with and to encourage the
40 development of private enterprise recycling sources.

41 (f) Adult inmates of the State prison system shall be prohibited from working at
42 or being on the premises of any schools or institutions operated or administered by the
43 State Division of Youth Development.

1 (g) The Department of Correction shall report semiannually to the Joint Legislative
2 Commission on Governmental Operations and to the Fiscal Research Division of the
3 General Assembly the number of inmates performing work assignments, the type of
4 assignments being performed, the number of inmates ineligible, unqualified, or
5 otherwise unavailable for a work assignment, the number of inmates disciplined for
6 failing to perform or complete a work assignment, and the efforts made by the
7 Department of Correction to enforce the State's policy on employment of prisoners.
8 Information required under this subsection shall be reported for minimum, medium, and
9 maximum security inmates."

10 Sec. 2. This act becomes effective July 1, 1994.