

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 51  
Committee Substitute Favorable 3/7/94  
Committee Substitute #2 Favorable 3/10/94

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 all able-bodied prison 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5           (3)    Repealed by Session Laws 1977, c. 824, s. 2.  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 (f) Adult inmates of the State prison system shall be prohibited from working at  
12 or being on the premises of any schools or institutions operated or administered by the  
13 State Division of Youth Development.

14 (g) The Department of Correction shall report semiannually to the Joint Legislative  
15 Commission on Governmental Operations and to the Fiscal Research Division of the  
16 General Assembly on the number of inmates performing work assignments, the type of  
17 assignments being performed, the number of inmates ineligible, unqualified, or  
18 otherwise unavailable for a work assignment, the number of inmates disciplined for  
19 failing to perform or complete a work assignment, and the efforts made by the  
20 Department of Correction to enforce the State's policy on employment of prisoners.  
21 Information required under this subsection shall be reported for minimum, medium, and  
22 maximum security inmates."

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