

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 89

Short Title: DOC Inmates Must Work.

(Public)

Sponsors: Representatives Hightower; Beall, Brawley, J. Brown, Buchanan, Hill, Rayfield, Sutton, Tolson, and Warner.

Referred to: Judiciary II.

February 1, 1995

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

1 Vocational Rehabilitation Agency, and shall not agree to supply inmate labor for any
2 project or service unless it meets all of the following criteria:

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- 7 (3) Repealed by Session Laws 1977, c. 824, s. 2.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

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

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

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

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

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

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

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

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

25 Sec. 2. This act becomes effective July 1, 1995.