

HOUSE BILL No. 5849

May 19, 1992, Introduced by Rep. Martin and referred to the Committee on Corrections.

A bill to amend sections 7 and 11 of Act No. 15 of the Public Acts of 1968, entitled as amended "Correctional industries act," as amended by Act No. 245 of the Public Acts of 1980, being sections 800.327 and 800.331 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 7 and 11 of Act No. 15 of the Public
2 Acts of 1968, as amended by Act No. 245 of the Public Acts of
3 1980, being sections 800.327 and 800.331 of the Michigan Compiled
4 Laws, are amended to read as follows:

5 Sec. 7. (1) ~~The~~ SUBJECT TO SUBSECTION (2), THE commission
6 of corrections shall provide as fully as practicable for the
7 employment of inmates in tasks consistent with the penal and
8 rehabilitative purposes of their imprisonment and with the public
9 economy. The types of employment shall be as follows:

1 (a) Routine maintenance and operation of the several
2 institutions.

3 (b) Educational and rehabilitation activities, whether
4 formal or through productive or socialized activities, determined
5 on the basis of individual needs and educability.

6 (c) Productive or maintenance labor on or in connection with
7 the institution farms, or other land rented or leased by the
8 department of corrections, factories, shops, or other available
9 facilities for the production and distribution of correctional
10 industries products and services.

11 (d) Labor assignments on state public works, ways, or prop-
12 erties when and as requisitioned by the governor or on county,
13 township, or district roads when requested by the county board of
14 commissioners pursuant to section 1 of Act No. 181 of the Public
15 Acts of 1911, as amended, being section 800.101 of the Michigan
16 Compiled Laws.

17 (2) AN INMATE IS NOT ELIGIBLE FOR EMPLOYMENT IN CORRECTIONAL
18 INDUSTRIES UNLESS THE INMATE HAS EARNED A HIGH SCHOOL DIPLOMA OR
19 ITS EQUIVALENT IN THE FORM OF A GENERAL EDUCATIONAL DEVELOPMENT
20 CERTIFICATE. THE DEPARTMENT OF CORRECTIONS MAY WAIVE THE
21 RESTRICTION IMPOSED BY THIS SUBSECTION AS TO ANY INMATE WHO HAS A
22 LEARNING DISABILITY, IS NOT FLUENT IN ENGLISH, OR FOR SOME OTHER
23 REASON THAT IS NOT THE FAULT OF THE INMATE IS UNABLE TO SUCCESS-
24 FULLY COMPLETE THE REQUIREMENTS FOR A HIGH SCHOOL DIPLOMA OR A
25 GENERAL EDUCATIONAL DEVELOPMENT CERTIFICATE. IF THE INMATE IS
26 NOT FLUENT IN ENGLISH, THE DEPARTMENT OF CORRECTIONS SHALL
27 PROVIDE THE LANGUAGE TRAINING FOR THAT INMATE NECESSARY FOR THE

1 INMATE TO BEGIN WORKING TOWARD THE COMPLETION OF THE REQUIREMENTS
2 FOR A GENERAL EDUCATIONAL DEVELOPMENT CERTIFICATE.

3 Sec. 11. (1) It is the intent of this act to do all of the
4 following:

5 (a) Provide adequate, regular, diversified, and suitable
6 employment for inmates of the state WHO HAVE COMPLETED HIGH
7 SCHOOL OR ITS EQUIVALENT, consistent with proper penal purposes.

8 (b) Utilize the labor of inmates exclusively for
9 self-maintenance and for reimbursing the state for expenses
10 incurred by reason of their crimes and imprisonment.

11 (c) Effect the requisitioning and disbursement of correc-
12 tional industries products and services directly through estab-
13 lished state authorities without possibility of private profits
14 and without any intermediating financial considerations, appro-
15 priations, or expenditures.

16 (d) Permit the management of correctional industries to
17 operate in a manner as similar as possible to similar private
18 industrial operations.

19 (2) Within 5 years after ~~the effective date of this~~
20 ~~subsection~~ OCTOBER 1, 1980, correctional industries shall be
21 changed from a system which requires intermediating financial
22 assistance to a total self-supporting system.

23 (3) The governor shall require the director of the depart-
24 ment of management and budget to establish suitable methods of
25 purchasing and accounting which shall provide as may be necessary
26 or advisable for:

1 (i) The purchasing and supply of supplies and materials
2 necessary for the institutional manufacture or production of the
3 correctional industries products. ~~pursuant to sections 2, 6, and~~
4 ~~7.~~

5 (ii) Crediting correctional industries accounts and debiting
6 accounts of consuming institutions or departments for products
7 requisitioned and disbursed, at prices fixed to recapture all
8 direct and indirect costs. In addition, the methods of purchas-
9 ing, accounting, and pricing may provide for the setting of a
10 margin in excess of direct and indirect costs which may be
11 expended for purposes consistent with this act.

12 (iii) The purchase of all commodities or requirements other
13 than correctional industries products as provided in this act, by
14 competitive bidding or other methods established by law or
15 approved practice. All agencies, offices, and departments of
16 this state shall order goods from correctional industries if the
17 goods are produced by correctional industries of this state, are
18 comparable in price and quality to the goods normally purchased
19 by governmental agencies, and can be supplied in a reasonable
20 time period as determined by the department of management and
21 budget.

22 (iv) An equitable basis to be proposed by the department of
23 corrections and approved by the department of management and
24 budget for determining costs between the correctional institu-
25 tions and correctional industries which shall require the insti-
26 tutions to absorb that portion of the supervisory costs that
27 directly relate to custody and security responsibilities.