

2019 -- H 6105

LC002386

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO CRIMINALS--CORRECTIONAL INSTITUTIONS -- PRISONER MADE
GOODS

Introduced By: Representatives Tobon, Barros, Slater, Diaz, and Solomon

Date Introduced: May 10, 2019

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 13-7-3 of the General Laws in Chapter 13-7 entitled "Prisoner
2 Made Goods" is hereby amended to read as follows:

3 **13-7-3. Vocational training opportunities -- Production of goods or services.**

4 (a) The director of the department of corrections may establish within any of the
5 institutions under his or her control vocational training programs, and programs for the actual
6 manufacture, assembly, repair, fabrication, servicing, and production of commercially saleable
7 commodities and services.

8 (b) The director or his or her designee may permit private persons, firms, or corporations,
9 to establish and maintain the training and production activities within any of the institutions under
10 his or her management and control, upon any terms and conditions that the director shall approve.

11 (c) ~~It~~ Except as provided in § 13-7-3.1, in respect to the actual production of goods or
12 services, as distinct from training programs, the director or his or her designee shall cause the
13 inmates who participate in those programs to be paid by any private person, firm, or corporation,
14 the minimum wage then and there prevailing in this state, and shall attempt, so far as may be
15 feasible and practicable, to cause the inmates to be paid the prevailing wage for similar types of
16 work currently obtained within the state.

17 (d) The director or his or her designee is authorized, if he or she deems it necessary, to
18 waive workers' compensation coverage, temporary disability insurance coverage, and other types

1 of fringe benefits in respect to inmates who participate in these programs.

2 (e) No inmate shall be required to participate in any program without his or her consent.

3 SECTION 2. Chapter 13-7 of the General Laws entitled "Prisoner Made Goods" is
4 hereby amended by adding thereto the following sections:

5 **13-7-3.1. Program for inmate labor in private industry.**

6 (a) The director of the department of corrections, (the "director"), shall establish a
7 program involving the use of inmate labor for private industry.

8 (b) The director may enter into contracts with Rhode Island based companies that are
9 utilizing services outside of the United States to manufacture, complete or otherwise produce
10 products, goods or wares that could be produced in this state by inmates. These contractual
11 agreements may include rental or lease agreements for state buildings or portions thereof on the
12 grounds of any institution or facility of the department of correction, (the "department"), and for
13 any real property needed for reasonable access to and egress from any state building for the
14 purpose of establishing and operating a factory for the manufacturing and processing of goods,
15 wares or merchandise or the provision of service or any other business or commercial enterprise
16 deemed by the director to enhance the general welfare of the inmate population.

17 (c) Any medium security inmate sentenced to a prison term of five (5) years or more shall
18 be eligible to participate in the program at the discretion of the director. An inmate may
19 participate only on a voluntary basis and only after they have been informed of the conditions of
20 their employment.

21 (d) Inmates participating in the program shall be paid the federal minimum wage, and if
22 practicable, the prevailing wage for similar types of work currently obtained within the state.

23 (e) Any wages up to the maximum allowed by department policy shall be deposited into
24 the inmate's commissary account. Any wages earned in excess of the maximum allowed by
25 department policy shall be deposited into a restricted account managed by the department of
26 human services to offset the costs of monies received by the inmate's family. In the event that the
27 inmate does not have any family receiving welfare, food stamps, social security or other public
28 benefits by any name, the excess funds earned shall be utilized by the department of human
29 services to fund programs for United States military veterans, homeless individuals, or those with
30 disabilities.

31 (f) Inmate participation in the program shall not result in the displacement of employed
32 workers, and shall not impair existing contracts for services.

33 (g) Nothing in this section shall be deemed to restore in whole or in part the civil rights of
34 any inmate. No inmate compensated for participation in the program shall be considered to be an

1 employee of the state, and the director or designee is authorized to waive workers' compensation
2 coverage, temporary disability insurance coverage, and other types of fringe benefits in respect to
3 inmates who participate in these programs.

4 (h) The provisions of this section shall not apply to any articles, materials or products
5 manufactured or produced by institutional inmates pursuant to § 13-7-7.

6 **13-7-3.2. Rules and regulations.**

7 The department of corrections may issue reasonable rules and regulations consistent with
8 this chapter, as are necessary to carry out the intent, purpose and implementation of this chapter.

9 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO CRIMINALS--CORRECTIONAL INSTITUTIONS -- PRISONER MADE
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1 This act would establish an additional prisoner made goods program that would permit
2 the director of the department of corrections to contract with Rhode Island based companies that
3 ship goods out of the United States for production, and would allow inmates to be paid the federal
4 minimum wage to manufacture and produce those goods, products and wares in Rhode Island.
5 Wages earned would be, consistent with department policy, deposited into the inmate's
6 commissary account and the excess would be managed by the department of human services to
7 set off costs of monies received by the inmate's family or, if none, to fund social service
8 programs.

9 This act would take effect upon passage.

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