

Introduced: 1/16/76
Referred: Health, Education &
Social Services and Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 592

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act to provide for correctional industries."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 33.30 is amended by adding new sections to read:

9 ARTICLE 4. CORRECTIONAL INDUSTRIES

10 Sec. 33.30.270. PURPOSE. It is the purpose of secs. 270 -- 360
11 of this chapter to provide adequate, regular, diversified and suitable
12 employment for prisoners of the state consistent with proper penal
13 purposes and to utilize their labors exclusively for self-maintenance
14 and reimbursement to the state for expenses incurred by reason of
15 their crimes and imprisonment.

16 Sec. 33.30.280. POWERS AND DUTIES OF THE COMMISSIONER. (a) The
17 commissioner shall administer the correctional industries program.

18 (b) The commissioner may:

19 (1) use, equip and maintain buildings, machinery and other
20 equipment which may be necessary to provide for the employment of
21 prisoner labor in the manufacture of goods, wares and merchandise;

22 (2) purchase materials necessary for the manufacture of
23 goods, wares or merchandise;

24 (3) dispose of manufactured products as provided under
25 secs. 270 -- 360 of this chapter;

26 (4) provide prisoner labor to other state departments or
27 agencies as may be considered necessary and appropriate;

28 (5) establish procedures for voluntary participation in
29 this program.

1 Sec. 33.30.290. DISPOSAL OF CORRECTIONAL INDUSTRIES PRODUCTS.

2 (a) Disposal of prisoner labor and correctional industries products
3 shall be made by the commissioner to requesting state departments and
4 agencies, municipalities, and private, non-profit organizations
5 operating in the state. No private profits may be derived from that
6 disposal.

7 (b) State departments and agencies may determine and request the
8 products to be supplied by the correctional industries. Products
9 requested may not be obtained from sources outside correctional indus-
10 tries.

11 (c) The commissioner of administration shall establish suitable
12 methods of accounting and purchasing to effectuate the manufacture and
13 disposal of correctional industries products and the marketing of
14 prisoner labor.

15 (d) Prices for correctional industries products and prisoner
16 labor shall be fixed by the commissioner, as nearly as practicable, to
17 recapture direct and indirect costs, exclusive of supervisory costs.
18 Prices may not be determined by or contingent upon competitive bidding
19 from other sources.

20 Sec. 33.30.300. CORRECTIONAL INDUSTRIES REVOLVING FUND. (a)
21 There is created for the purpose of carrying out the provisions of
22 secs. 270 -- 360 of this chapter a correctional industries revolving
23 fund as a special account in the general fund to include appropriations
24 the legislature may make from time to time for the purpose, and those
25 sums that may be recovered from prisoner labor and the sale of manu-
26 factured articles or products to state departments and agencies.

27 (b) All balances in the correctional industries revolving fund
28 remaining at the end of the fiscal year shall be carried forward and
29 made available for the following fiscal year; appropriations to this

1 fund are not one year appropriations under AS 37.25.010.

2 (c) All money collected under secs. 270 -- 360 of this chapter
3 shall be turned over to the Department of Revenue and credited to the
4 correctional industries revolving fund, and shall be paid out only for
5 prisoner wages, contractual services, supplies, materials and equipment
6 representing direct and indirect costs of carrying out the purpose of
7 secs. 270 -- 360 of this chapter or as otherwise provided by law.

8 Sec. 33.30.310. PRISONER WAGES. (a) The commissioner shall
9 establish a salary structure for prisoners employed in a correctional
10 industry in accordance with the prevailing wages for similar services
11 performed in the community in which the correctional institution is
12 located. Under no circumstances may less than the minimum wage be
13 paid for those services.

14 (b) The commissioner shall collect the earnings of each prisoner.
15 Those earnings shall be credited to each prisoner and may be disbursed
16 only as provided under sec. 320 of this chapter.

17 Sec. 33.30.320. DISBURSEMENTS. (a) Disbursement of wages
18 earned by prisoners under sec. 310 of this chapter shall be made as
19 follows:

20 (1) an amount, determined by the commissioner, shall be
21 paid to the state for room and board, but the amount paid may not
22 exceed the average daily cost of care;

23 (2) as much of the cost of administration of secs. 270 --
24 360 of this chapter as the commissioner determines to be allocable to
25 the prisoner;

26 (3) an amount, determined by the commissssioner, for the
27 support of the prisoner's dependents, if any;

28 (4) an amount, determined by the commissioner, to purchase
29 clothing and commissary items for the prisoner's personal use.

1 (b) If sufficient funds are credited to the prisoner's account
2 after payments are made in accordance with (a) of this section, the
3 commissioner may, with the consent of the prisoner, pay, in whole or
4 in part, the pre-existing debts of the prisoner.

5 (c) Any balance of wages earned by a prisoner shall be retained
6 by the commissioner and paid to the prisoner at the time of his
7 release.

8 Sec. 33.30.330. ATTACHMENT OF EARNINGS. Wages, earned in accord-
9 ance with sec. 310 of this chapter, which are levied upon under a writ
10 of attachment or execution or in another lawful manner, may not be
11 transmitted to the commissioner. However, if the commissioner has
12 requested transmittal of earnings before the levy, his request has
13 priority for those earnings due and payable at that time.

14 Sec. 33.30.340. EXEMPTION FROM COLLECTIVE BARGAINING AND UNIONI-
15 ZATION. Prisoners employed in correctional industries are prohibited
16 from participating in collective bargaining and joining a labor
17 organization. Employment of a prisoner is not subject to an agency
18 shop agreement.

19 Sec. 33.30.350. PENALTIES. (a) A person who wilfully violates
20 a provision of secs. 270 -- 360 of this chapter is guilty of a mis-
21 demeanor.

22 (b) A wilful violation of a provision of secs. 270 -- 360 of
23 this chapter by an officer, employee or agent of the state is cause
24 for removal from office or dismissal from employment, in addition to
25 being subject to (a) of this section.

26 Sec. 33.30.360. DEFINITIONS. In this chapter, "correctional
27 industries products" means all services provided, goods, wares and
28 merchandise manufactured or produced, wholly or in part, by prisoners
29 in any state penal institution.