

SENATE BILL No. 632

June 28, 2007, Introduced by Senators ALLEN, KUIPERS, KAHN, JELINEK and PAPPAGEORGE and referred to the Committee on Judiciary.

A bill to amend 1968 PA 15, entitled "Correctional industries act," by amending section 6 (MCL 800.326), as amended by 1996 PA 537.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) Correctional industries products may be sold,
2 exchanged, or purchased by ~~institutions~~ **ANY OF THE FOLLOWING:**

3 **(A) AN INSTITUTION** of this or any other state or political
4 subdivision of this or any other state, the federal government or
5 agencies of the federal government, a foreign government or
6 agencies of a foreign government, **OR** a private vendor that operates
7 ~~the youth correctional facility, or any~~ **A CORRECTIONAL FACILITY IN**
8 **THIS STATE.**

9 **(B) ANY** organization that is a tax exempt organization under

Senate Bill No. 632 as amended September 18, 2007

1 section 501(c)(3) of the internal revenue code.

2 (C) ANY PRIVATE BUSINESS OR INDIVIDUAL, IF THE PRODUCTS ARE
3 CUT AND SEWN TEXTILES, BUT ONLY IF THE SAME OR A <<COMPARABLE IN STYLE>>
PRODUCT IS
4 NOT MANUFACTURED BY A PRIVATE BUSINESS IN THIS STATE.

5 (2) An agricultural product that is produced on a correctional
6 farm may be utilized within the correctional institutions or within
7 a <<youth>> correctional facility <<IN THIS STATE>> notwithstanding its
operation by a
8 private vendor or sold to an institution, governmental agency, or
9 organization described in subsection (1) or sold for utilization in
10 the food production facilities of the department of corrections
11 notwithstanding the operation of those facilities by a private
12 vendor. An agricultural product that is not utilized or sold as
13 provided in this subsection shall be made available without charge
14 to nonprofit charitable organizations or to the family independence
15 agency for use in food banks, bulk food distributions, or similar
16 charitable food distribution programs. This subsection does not
17 apply to an agricultural product that is not in a form suitable for
18 use in the manner prescribed in this section, such as bulk grain,
19 live cattle, and hogs, which may be sold on the open market.

20 (3) Except as provided in subsections (4) and (5), the labor
21 of inmates shall not be sold, hired, leased, loaned, contracted
22 for, or otherwise used for private or corporate profit or for any
23 purpose other than the construction, maintenance, or operation of
24 public works, ways, or property as directed by the governor. This
25 act does not prohibit the sale at retail of articles made by
26 inmates for the personal benefit of themselves or their dependents
27 or the payment to inmates for personal services rendered in the

1 correctional institutions, subject to regulations approved by the
2 department of corrections, or the use of inmate labor upon
3 agricultural land that has been rented or leased by the department
4 of corrections upon a sharecropping or other basis.

5 (4) If more than 80% of a particular product sold in the
6 United States is manufactured outside the United States and none of
7 that product is manufactured in this state, or if a particular
8 service is not performed in this state, as determined by the
9 department of corrections in conjunction with the advisory council
10 for correctional industries, inmate labor may be used in the
11 manufacture of that product or the rendering of that service in a
12 private manufacturing or service enterprise established under
13 section 7a. A determination by the department of corrections under
14 this subsection shall be made at the time the individual or
15 business entity applies to the department for approval to produce
16 that product or render that service pursuant to section 7a.

17 ~~—— (5) Inmate labor may be used in the youth correctional~~
18 ~~facility notwithstanding the operation of that facility by a~~
19 ~~private vendor.~~