

HOUSE BILL NO. 4622

April 13, 2021, Introduced by Rep. Lightner and referred to the Committee on Judiciary.

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 65c and 65d (MCL 791.265c and 791.265d), section 65c as amended by 2018 PA 295 and section 65d as amended by 1996 PA 104.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 65c. (1) As used in this section, ~~"work camp"~~ **"training**
2 **site"** means a correctional facility that houses prisoners who are
3 **being trained in vocational skills or are** made available for work

1 as provided in subsection (3).

2 (2) The department may construct, maintain, and operate ~~work~~
3 ~~camp~~**training sites** for the purpose of housing prisoners who are
4 under its jurisdiction.

5 (3) Prisoners assigned to ~~work camp~~**training sites** may be
6 provided an opportunity to do any of the following, as long as the
7 department has reasonable cause to believe the prisoner will honor
8 the trust placed in him or her by such an assignment:

9 (a) Perform meaningful work at paid employment in the
10 community.

11 (b) Provide labor on public works projects.

12 (c) Perform meaningful work on projects **in the community** that
13 serve the public interest or a charitable purpose and are operated
14 by organizations that are exempt from taxation under section
15 501(c)(3) of the internal revenue code **of 1986, 26 USC 501**. Work
16 performed by prisoners under this subdivision must not result in a
17 competitive disadvantage to a ~~for-profit~~**for-profit** enterprise.

18 (d) **Create items through a vocational training program that**
19 **are subsequently sold by the department to individuals in the**
20 **community. Proceeds of sales under this subdivision must be used to**
21 **fund vocational training programs at a training site. Vocational**
22 **training programs must be educational and the sale of items created**
23 **under this subdivision must be at fair market value and not result**
24 **in a competitive disadvantage to a for-profit enterprise.**

25 (4) Prisoners made available for work under subsection (3)(c)
26 must not be assigned to work on projects in a manner that results
27 in the displacement of employed persons in the community or the
28 replacement of workers on strike or locked out of work. If a
29 collective bargaining agreement is in effect at a place of

1 employment that is the site of a proposed work project under
2 subsection (3)(c), that bargaining unit must agree to the
3 assignment of prisoners at the place of employment before the
4 assignment is made.

5 (5) The warden at a correctional facility that makes prisoners
6 available for work under subsection (3)(c) shall appoint a 7-member
7 citizens advisory committee for the purpose of obtaining public
8 input on proposals for assigning prisoners to work on those
9 projects. The committee must include broad representation from the
10 community in which the proposed work project is to be located,
11 including representatives of business, community service, and
12 religious organizations and the president of the local AFL-CIO
13 central labor council, or his or her designee. Before prisoners are
14 assigned to a proposed work project, the proposed assignment must
15 be reviewed by the citizens advisory committee.

16 (6) The willful failure of a prisoner to report to or return
17 from an assignment to paid employment in the community or on a
18 public work project within the time prescribed, or to remain within
19 the prescribed limits of such an assignment, is considered an
20 escape from lawful custody as provided in section 193(3) of the
21 Michigan penal code, 1931 PA 328, MCL 750.193.

22 (7) Prisoners employed at paid employment in the community
23 shall reimburse the department for food, clothing, and daily travel
24 expenses to and from work for days worked.

25 (8) The wages of prisoners employed at paid employment in the
26 community must be collected by the ~~work camp~~ **training site**
27 responsible for the prisoner's care.

28 (9) A ~~work camp~~ **training site** collecting wages of a prisoner
29 under subsection (8) shall disperse wages collected in the

1 following priority order:

2 (a) Reimbursement to the department under subsection (7).

3 (b) Support of the prisoner's dependents who are receiving
4 public assistance up to the maximum of the public assistance
5 benefit but not exceeding 50% of the prisoner's net earnings.

6 (c) For prisoners without dependents receiving public
7 assistance, 50% of the prisoner's net earnings must be placed, at
8 the prisoner's option, in either the prisoner's personal
9 noninstitutional savings account or in escrow by the department for
10 use by the prisoner upon release.

11 (d) The balance, if any, to the prisoner's institutional
12 account.

13 ~~(10) An employer who employs a prisoner under this section for~~
14 ~~work to which 1965 PA 166, MCL 408.551 to 408.558, applies shall~~
15 ~~pay the prisoner the prevailing wage as provided in that act.~~

16 **(10)** ~~(11)~~An employer who employs a prisoner under this
17 section for work ~~that is not under 1965 PA 166, MCL 408.551 to~~
18 ~~408.558,~~ shall pay the prisoner not less than the wage the employer
19 pays to other employees with similar skills and experience.

20 **(11) A prisoner who participates in a vocational training**
21 **program under subsection (3) (d) must be paid the appropriate**
22 **prisoner training wage as determined by the department and must not**
23 **be directly compensated for items created through the vocational**
24 **training program.**

25 (12) The department shall promulgate rules under the
26 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
27 24.328, to establish criteria by which the department shall
28 determine eligibility for participation in the programs of paid
29 employment in the community established by this section.

1 Sec. 65d. (1) If 1 or more of the following occur, the
2 department shall make an entry in the law enforcement information
3 network:

4 (a) A prisoner escapes from a state correctional facility.

5 (b) A parole violation warrant is issued.

6 (2) If 1 or more of the following occur, the department shall
7 make available ~~on-line~~**online** to the law enforcement information
8 network, by way of the corrections management information system,
9 the following information:

10 (a) A prisoner is transferred into a community residential
11 program.

12 (b) A prisoner is transferred into a minimum custody
13 correctional facility of any kind. ~~, including a correctional camp~~
14 ~~or work camp.~~

15 (c) A person's parole status changes.

16 (3) An entry under subsection (1), or information under
17 subsection (2), ~~shall~~**must** be entered or made available not later
18 than 24 hours after the event occurs, and ~~shall~~**must** include the
19 prisoner's name and former name, if any, physical descriptors, the
20 remaining term of his or her sentence, and any other information
21 determined relevant by the department.

22 (4) As used in this section, "state correctional facility"
23 means a facility or institution ~~which~~**that** houses a prisoner
24 population under the jurisdiction of the department.

25 Enacting section 1. This amendatory act does not take effect
26 unless Senate Bill No. ____ or House Bill No. 4621 (request no.
27 02415'21) of the 101st Legislature is enacted into law.