

HOUSE No. 1686

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel B. Winslow

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to increase prison inmate rehabilitation and decrease costs of incarceration.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel B. Winslow</i>	<i>9th Norfolk</i>	
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	
<i>Linda Campbell</i>	<i>15th Essex</i>	
<i>Randy Hunt</i>	<i>5th Barnstable</i>	
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>	
<i>F. Jay Barrows</i>	<i>1st Bristol</i>	
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	
<i>Matthew A. Beaton</i>	<i>11th Worcester</i>	

HOUSE No. 1686

By Mr. Winslow of Norfolk, a petition (accompanied by bill, House, No. 1686) of Daniel B. Winslow and others for legislation to enhance prison inmate rehabilitation and decrease incarceration costs through prison industries programs. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act to increase prison inmate rehabilitation and decrease costs of incarceration.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 51 of chapter 127 of the General Laws, as appearing in the 2010
2 Official Edition, is hereby amended by inserting, in line 7, after the word ‘prisoners’ the
3 following:- , except for those prisoners engaged in a prison industries enhancement program
4 business established pursuant to the provisions of section 51A.

5 SECTION 2. Said chapter 127 of the General Laws, as so appearing, is hereby further
6 amended by inserting, after section 51, the following:-

7 Section 51A. The commissioner may, consistent with the provisions of 18 USC 1761 (c),
8 as amended by the Federal Justice Assistance Act of 1984 (P.L. 101-647), contract with private
9 entities to: (1) employ inmates, who voluntarily elect to be so employed and who signify election
10 by signing a statement provided to said inmate by said commissioner or his designee; (2) invest
11 in prison-based businesses owned by the commonwealth; (3) purchase goods and services from
12 prison-based businesses; (4) manage prison-based businesses owned by the commonwealth;
13 and/or (5) establish prison-based businesses. Participation by any inmate in any of these
14 businesses shall be voluntary, as evidenced by a statement signed by the inmate, and the inmate
15 shall have agreed in writing, in advance, to the deductions from his wages and all other related
16 financial arrangements.

17 Section 51B. Wages paid to an inmate in consideration of employment within a prison
18 industries enhancement program business established pursuant to the provisions of this section
19 and section 51A shall be paid at a rate which is not less than that paid for work of a similar
20 nature in the locality in which the work is performed. Any private contracting entity owning or

operating such business shall deduct and disburse from an inmate's wages, federal, state, and local taxes, which shall be sufficient to qualify said business under the eligibility requirements set forth in 18 USC 1761 (c) as amended by the Federal Justice Assistance Act of 1984 (P.L. 101-647). The commissioner of the department of correction shall deduct such taxes on an inmate's wages in all other programs established pursuant to section 51A, and shall for all programs established pursuant to section 51A deduct an amount equal to 20 per cent of said inmate's gross wages to satisfy victim and witness assessments as ordered by the courts pursuant to section 8 of chapter 258B and determine further deductions from an inmate's wages for reasonable charges for room and board in amounts determined by the commissioner. The total of all said deductions shall not, in the aggregate, exceed 80 per cent of an inmate's gross wages as provided in 18 USC 1761 (c), as amended. After all of said deductions, the remainder shall be allocated by the commissioner for purchases within the institution by the inmate and for deposit, by the commissioner, into an interest-bearing account, in a state-chartered bank approved by the state treasurer and paid to the inmate upon release from incarceration with the accrued interest in such installments and at such times as may be prescribed by the applicable rules and regulations or as the commissioner shall designate.

Inmates engaged in employment within a prison industries enhancement program business established pursuant to the provisions of this section and section 51A shall not be deemed employees of the commonwealth; provided however, that no inmate employed in any business pursuant to section 51A and designated by the Federal Bureau of Justice Assistance under 18 USC 1761 (c) as amended, shall be deprived of the right to participate in benefits mandated by the commonwealth or federal government to other individuals on the basis of their employment, except that such inmates shall not be qualified to receive any payments for unemployment compensation or any other unauthorized absence from the institution, while involved in the program, notwithstanding any other provisions of the law to the contrary.

Section 51C. There shall be established an advisory commission, to be known as the prison industries enhancement advisory commission, to provide advice to the commissioner of correction prior to the initiation of any prison industries project. Said commission shall consist of 8 members, including the commissioner of correction, who shall serve as chair, and 7 others to be appointed by the governor who shall serve staggered terms not to exceed 4 years. Said appointed members shall include: 1 representative of the State Labor Council/AFL-CIO, 1 representative of the Associated Industries of Massachusetts, 1 representative of the Massachusetts Bar Association, 1 representative of the Criminal Justice Policy Coalition, 1 representative of the Massachusetts Housing and Shelter Alliance, 1 representative of the manufacturing industry, and 1 member of the general public.

Said advisory board shall meet not less than 2 times per calendar year and at such other times as the chair deems necessary. Each proposed new prison industries enhancement program shall be reviewed by said advisory commission to ensure compliance with all applicable state

59 and federal laws, rules and regulations. The commissioner of correction shall render a final
60 decision on the recommendations of the advisory commission.

61 Any joint venture entered into with a private sector entity shall require the prior approval
62 of the commissioner of correction and of said advisory commission by vote of a simple majority;
63 provided, however, that no such vote shall be valid unless a quorum, consisting of not less than 5
64 members, is present.

65 SECTION 3. Section 74 of chapter 152 of the General Laws, as so appearing, is hereby
66 amended by inserting, in line 9, after the word 'twenty-seven', the following words:-

67 ; provided, however, that said sections shall apply to those inmates performing labor for
68 and engaged in a prison industries enhancement program business established pursuant to the
69 provisions of sections 51A and 51B of chapter 127.”.