

By Mr. Casey of Winchester, petition of Paul C. Casey and Kathi-Anne Reinstein relative to creating the Massachusetts prison industries enhancement program. Public Safety.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Nine.

AN ACT CREATING THE MASSACHUSETTS PRISON INDUSTRIES
ENHANCEMENT PROGRAM.

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,
2 as appearing in the 1996 Official Edition, is hereby amended in
3 line 8, by inserting after the word "prisoners" the following
4 words:— , except for those prisoners engaged in a prison indus-
5 tries enhancement program business established pursuant to the
6 provisions of section 51A.

1 SECTION 2. Chapter 127 of the General Laws, as so
2 appearing, is hereby amended by inserting after section 51 thereof
3 the following sections:—

4 Section 51A. The commissioner and the superintendents of
5 county correctional facilities may, consistent with the provisions
6 of 18 USC 1761(c), as amended by the federal Justice Assistance
7 Act of 1984 (P.L. 101-647), contract with private entities to:—

8 (1) employ inmates, who voluntarily elect to be so employed and
9 who signify such election by signing a statement provided to said
10 inmate by said the commissioner or his designee; (2) invest in
11 prison-based businesses owned by the commonwealth;
12 (3) purchase goods and services from prison-based businesses;
13 (4) manage prison-based businesses owned by the commonwealth;
14 and (5) establish prison-based businesses.

15 Section 51B. Wages paid to an inmate in consideration of
16 employment within a prison industries enhancement program

17 business established pursuant to the provisions of this section and
18 section 51A shall be paid at a rate which is not less than that paid
19 for work of a similar nature in the locality in which the work is
20 performed; provided, however, that the commissioner and the
21 superintendents of county correctional facilities shall be autho-
22 rized to deduct and disperse from wages so paid, financial contri-
23 butions sufficient to qualify said business under the eligibility
24 requirements set forth in 18 USC 1761(c), as amended by the fed-
25 eral Justice Assistance Act of 1984 (P.L. 101-647), including
26 deductions and disbursements for federal, state and local taxes.

27 Inmates engaged in employment within a prison industries
28 enhancement program business established pursuant to the provi-
29 sions of this section and section 51A shall not be deemed
30 employees of the commonwealth; and, further, such inmates shall
31 not be eligible for any earned income credit nor any statutory enti-
32 tlements other than those specifically provided for the care and
33 treatment of incarcerated inmates under this chapter.

34 In addition to said tax deductions, 20 per cent of said inmates'
35 gross wages shall be expended to satisfy the victim and witness
36 assessment ordered by a court pursuant to section 1 of chap-
37 ter 211B. After said deductions, the remainder shall be allocated
38 by the commissioner to the following uses: (1) to offset the costs
39 of incarceration; (2) for purchases within the institution by the
40 inmate and for deposit into an interest-bearing account by the
41 commissioner in a state-chartered approved by the state treasurer
42 and paid to the inmate upon release from incarceration, with the
43 accrued interest in such installments and at such times as may be
44 prescribed by the applicable rules and regulations or as the com-
45 missioner shall designate.

46 Section 51C. There shall be established an advisory commis-
47 sion, to be known as the prison industries enhancement advisory
48 commission, to provide general oversight over the prison indus-
49 tries enhancement program and all businesses established and
50 operated pursuant to the provisions of sections 51A and 51B. Said
51 commission shall consist of eight members, including the com-
52 missioner, who shall serve as chair, and seven others to be
53 appointed by the governor who shall serve staggered terms of not
54 more than four years. Said appointed members shall include:—
55 one representative of the State Labor Council/AFL-CIO; one rep-
56 resentative of the Associated Industries of Massachusetts; one rep-
57 resentative of the Massachusetts Bar Association; one

58 representative of the Criminal Justice Policy Coalition; one repre-
59 sentative of the Massachusetts Housing and Shelter Alliance; one
60 representative of the manufacturing industry; and one representa-
61 tive of the general public.

62 Said advisory commission shall meet not less than two times
63 per calendar year and at such other times as the chair deems
64 necessary. Each proposed new prison industries enhancement pro-
65 gram business shall be reviewed by said advisory commission to
66 ensure compliance with all applicable state and federal laws, rules
67 and regulations.

68 Any joint venture with the private sector entered into by the
69 commissioner or a superintendent of a county correctional facility
70 shall require the prior approval of said advisory commission by
71 vote of a simple majority; provided, however, that no such vote
72 shall be valid unless a quorum, consisting of not less than five
73 members, is present.

1 SECTION 3. Section 74 of chapter 152 of the General Laws,
2 as appearing in the 1996 Official Edition, is hereby amended,
3 in line 9, by inserting after the word “twenty-seven” the following
4 words:— ; provided, however, that said section shall apply to
5 those inmates performing labor for and engaged in a prison indus-
6 tries enhancement program business established pursuant to the
7 provisions of sections 51A and 51B of chapter 127.

