

MEMO



DEC 08 2010

Senate of Pennsylvania

December 6, 2010

TO: ALL SENATORS
FROM: Stewart J. Greenleaf *Stewart*
SUBJECT: Cosponsorship -- **Prison industry enhancement**

I am reintroducing **Senate Bill 1237**, amending the Prisons and Parole Code, Title 61 of the Pennsylvania Consolidated Statutes, to authorize joint ventures between correctional facilities and private industry. The legislation will provide prisoners with work while assuring that prisoner labor does not replace work opportunities for Pennsylvania residents. Prisoners who volunteer for this program will be paid a regular wage. As a result, they will be better able to develop positive work habits that will assist them in securing and holding employment upon their release; pay a reasonable portion of the cost of room and board to the correctional facility; accept responsibility for their actions by compensating victims; and provide financial assistance to their dependents.

The legislation establishes the Prison Industry Enhancement Authority comprised of correctional officials and representatives of the business community and labor. The authority will authorize the Department of Corrections to apply to the United States Department of Justice, Bureau of Justice Assistance, for certification to operate a prison industry enhancement program and to assist other units of government seeking to participate in the program; adopt procedures for determining whether a prospective private sector prison industry complies with the requirements of the program; approve or disapprove proposals submitted by the department for prison industry programs; ensure continuing compliance with federal law and this act; and designate which services performed or articles manufactured by prisoners conform to program regulations and may be sold on the open market.

Upon approval of the authority, the Department of Corrections or a county correctional facility may enter into contracts with a private business or nonprofit organization to permit the employment of prisoners to perform designated work. The department or county shall remain responsible for the custody of the prisoners who are working for the private sector. Prisoners participating in the program shall not be considered state or county employees. A prisoner participating in the program may do so only on a voluntary basis and must consent to specific deductions for taxes, contributions to a crime victims' fund, a reasonable portion of the cost of room and board, and support for their family. All deductions in total may not exceed 80% of a prisoner's gross wages.

Minimum program requirements include consulting with local unions and businesses that could be affected by the program; and verifying with the Department of Labor and Industry that participation in the program will not result in displacement of employees in the surrounding community, be applied to skills and trades in which there is a surplus of labor in the locality, or impair existing contracts for goods and services.

In 1979 Congress created the Prison Industry Enhancement (PIE) Certification Program. The program exempts certified state and local departments of corrections from federal restrictions on the sale of prisoner-made goods in interstate commerce. The program is designed to place prisoners in a realistic work environment, pay them the local wage for similar work, and enable them to acquire marketable skills to increase their potential for successful rehabilitation and meaningful employment upon release. A total of 50 jurisdictions may be certified under the federal law. To become certified, each program must demonstrate that it meets the statutory requirements for program participation. My legislation, drafted and supported by the Department of Corrections, provides the necessary statutory requirements for the program.

The Senate Judiciary Committee reported this legislation from committee last session.

If you would like to cosponsor this legislation, please contact Pat Snively of my office by e-mailing her at psnively@pasen.gov.