

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 373

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO THE STATE BOARD OF CORRECTION; AMENDING THE HEADING FOR CHAP-  
2 TER 4, TITLE 20, IDAHO CODE; AMENDING SECTION 20-401, IDAHO CODE, TO  
3 REVISE THE SHORT TITLE; AMENDING SECTION 20-402, IDAHO CODE, TO DE-  
4 FINE TERMS AND TO REVISE A DEFINITION; AMENDING SECTION 20-404, IDAHO  
5 CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 20-406, IDAHO CODE, TO  
6 MAKE A TECHNICAL CORRECTION; AMENDING SECTION 20-407, IDAHO CODE, TO  
7 REMOVE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION  
8 20-408, IDAHO CODE, TO REMOVE A PROVISION REGARDING JURISDICTION OF THE  
9 DEPARTMENT OF CORRECTION AND TO MAKE TECHNICAL CORRECTIONS; REPEALING  
10 SECTION 20-410, IDAHO CODE, RELATING TO THE WORK OF INMATES ASSIGNED TO  
11 DO CONSERVATION WORK; AMENDING SECTION 20-412, IDAHO CODE, TO REVISE  
12 PROVISIONS REGARDING TRAINING STIPENDS, TO REVISE A PROVISION REGARD-  
13 ING WORKER'S COMPENSATION AND UNEMPLOYMENT, TO REVISE TERMINOLOGY, AND  
14 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 20-413A, IDAHO CODE, TO  
15 REVISE PROVISIONS REGARDING CONTRACTS FOR AGRICULTURAL TRAINING PRO-  
16 GRAMS, TO PROVIDE FOR CERTAIN DEDUCTIONS FROM A TRAINING STIPEND, AND  
17 TO REVISE TERMINOLOGY; AMENDING SECTION 20-414, IDAHO CODE, TO REVISE  
18 TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 2,  
19 TITLE 20, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 20-209I, IDAHO  
20 CODE, TO PROVIDE FOR THE ASSIGNMENT OF INMATES TO DO CERTAIN CONSERVA-  
21 TION WORK.  
22

23 Be It Enacted by the Legislature of the State of Idaho:

24 SECTION 1. That the Heading for Chapter 4, Title 20, Idaho Code, be, and  
25 the same is hereby amended to read as follows:

26 CHAPTER 4  
27 IDAHO CORRECTIONAL INDUSTRIES ACT

28 SECTION 2. That Section 20-401, Idaho Code, be, and the same is hereby  
29 amended to read as follows:

30 20-401. SHORT TITLE. This act shall be known and cited as the "Idaho  
31 Correctional Industries Act."

32 SECTION 3. That Section 20-402, Idaho Code, be, and the same is hereby  
33 amended to read as follows:

34 20-402. ~~CORRECTIONAL INSTITUTION PRODUCTS~~ DEFINITIONS. As used in  
35 this chapter:

36 (1) "Agricultural employer" is as defined in section 44-1601, Idaho  
37 Code.

38 (2) "Agricultural products" is as defined in section 22-2602, Idaho  
39 Code.

1           (3) "Board" means the state board of correction.

2           (4) ~~The term "Correctional institution products" as used in this act,~~  
3 means all services and labor provided, goods, wares and merchandise manu-  
4 factured or produced wholly or in part, except "hobby-craft" articles, by  
5 ~~inmates employed by trainees in the Idaho state correctional industries~~  
6 ~~training program.~~

7           (5) "Enterprise" means an operation, including services and labor, or a  
8 group of closely related operations.

9           (6) "Trainee" means an inmate enrolled in an Idaho correctional indus-  
10 tries training program.

11           SECTION 4. That Section 20-404, Idaho Code, be, and the same is hereby  
12 amended to read as follows:

13           20-404. AUTHORITY AND DUTIES VESTED IN BOARD. The authority and duties  
14 ~~herein established in this chapter~~ are vested in the board of correction.

15           SECTION 5. That Section 20-406, Idaho Code, be, and the same is hereby  
16 amended to read as follows:

17           20-406. COMPENSATION AND EXPENSES. All members shall also receive  
18 their actual and necessary expenses of travel and accommodations incurred  
19 in attending meetings of the board, attending other functions related to  
20 correctional industries, and in making investigations, either as a board or  
21 individually as members of the board at the request of the chairman.

22           SECTION 6. That Section 20-407, Idaho Code, be, and the same is hereby  
23 amended to read as follows:

24           20-407. JURISDICTION OF BOARD. (1) The jurisdiction of the board of  
25 correction may extend to all productive enterprises in the prison facili-  
26 ties.

27           ~~As used in this chapter, "an enterprise" means an operation, including~~  
28 ~~services and labor, or group of closely related operations within the insti-~~  
29 ~~tution.~~

30           (2) At each regular meeting of the board, the chairman shall report on  
31 the condition of each enterprise.

32           SECTION 7. That Section 20-408, Idaho Code, be, and the same is hereby  
33 amended to read as follows:

34           20-408. DUTIES OF BOARD. The board of correction shall:

35           (a) Recommend productive enterprises ~~in the penal institutions under~~  
36 ~~the jurisdiction of the department of correction,~~ in such volume and of such  
37 kinds as to eliminate unnecessary idleness among the inmates and to provide  
38 diversified work activities ~~which that~~ will serve as a means of vocational  
39 education and rehabilitation, as well as financial support;

40           (b) Determine the advisability and suitability of establishing, ex-  
41 panding, diminishing, or discontinuing any enterprise;

1           (e3) Hold hearings and make rules for conducting such hearings. The  
2 board may, in its discretion, hold public hearings on any subject within its  
3 jurisdiction;

4           (~~e~~4) Conduct programs of research, education and publicity for correc-  
5 tional industries products;

6           (e5) Secure new markets for correctional industries products;

7           (~~f~~6) Enter into such contracts and agreements as may be necessary or ad-  
8 visable pursuant to the provisions of this ~~act~~ chapter;

9           (~~g~~7) Appoint and employ all necessary officers, agents and other per-  
10 sonnel, including any experts in any correctional industries enterprise  
11 pursuit, prescribe their duties and fix their compensation;

12           (~~h~~8) Cooperate with any local, state or national organization or agency  
13 and to enter into contracts and agreements with such agencies for carrying on  
14 and promoting the purposes of this ~~act~~ chapter;

15           (~~i~~9) Adopt, rescind, modify and amend all necessary and proper orders,  
16 rules and regulations for the exercise of its powers and the performance of  
17 its duties ~~herein~~, as described in this section; and

18           (~~j~~10) Keep or cause to be kept in accordance with accepted standards of  
19 good accounting practice, accurate records of all collections, receipts,  
20 deposits, withdrawals, disbursements, paid-outs, moneys, and other finan-  
21 cial transactions made and done pursuant to this ~~act~~ chapter. The books,  
22 records and accounts shall be open to inspection and audit by the legislative  
23 council and the public at all times.

24           SECTION 8. That Section 20-410, Idaho Code, be, and the same is hereby  
25 repealed.

26           SECTION 9. That Section 20-412, Idaho Code, be, and the same is hereby  
27 amended to read as follows:

28           20-412. COMPENSATION TRAINING STIPEND -- AMOUNT -- CRED-  
29 ITING TRAINEES' INMATE ACCOUNTS OF PRISONER -- CIVIL RIGHTS --  
30 PRISONERS TRAINEES NOT EMPLOYEES. (1) Each prisoner, who is trainee engaged  
31 in productive work as an Idaho correctional industries training program  
32 authorized by this chapter, may receive for his work participation such  
33 compensation training stipend as the board shall determine, to be paid out of  
34 any funds available in the correctional industries betterment account. Such  
35 compensation training stipend, if any, shall be in accordance with a gradu-  
36 ated schedule based on quantity and quality of work performed knowledge,  
37 ability, and skills required for its performance. Compensation The training  
38 stipend shall be credited to the a trainee's inmate account of the prisoner  
39 pursuant to section 20-209H, Idaho Code, and as otherwise authorized by law  
40 or by rule adopted by the board, and paid from the correctional industries  
41 betterment account.

42           (2) Nothing in this section or in this ~~act~~ chapter is intended to re-  
43 store, in whole or in part, the civil rights of any inmate trainee. No  
44 inmate trainee who is compensated receives a training stipend under this ~~act~~  
45 chapter shall be considered to be an employee of or employed by the state,  
46 the board of correction, or any private agricultural employer that is a party  
47 to a contract for inmate labor with Idaho correctional industries pursuant  
48 to section 20-413A, Idaho Code. No inmate trainee engaged in productive

1 ~~work~~ an Idaho correctional industries training program as authorized by this  
 2 chapter shall be entitled to worker's compensation benefits or unemploy-  
 3 ment compensation under this chapter 4 or chapter 13, title 72, Idaho Code,  
 4 whether on behalf of himself or any other person, except as may be required  
 5 for training programs certified by the prison industry enhancement certifi-  
 6 cation program.

7 SECTION 10. That Section 20-413A, Idaho Code, be, and the same is hereby  
 8 amended to read as follows:

9 20-413A. CONTRACTS FOR AGRICULTURAL LABOR TRAINING PROGRAMS. (1) The  
 10 board may contract with private agricultural employers ~~as that term is de-~~  
 11 ~~defined in section 44-1601, Idaho Code,~~ for the use of inmate labor trainees in  
 12 the production, harvesting, and processing of ~~perishable~~ agricultural food  
 13 products ~~as that term is defined in section 6-2002, Idaho Code.~~ The use of  
 14 inmate labor trainees may not result in the displacement of employed workers  
 15 within the local region in which the ~~agricultural work~~ training program is  
 16 ~~being performed~~ operated.

17 (2) The board shall establish by rule factors to be considered by the  
 18 board prior to entering into such contract including, but not limited to, en-  
 19 suring that employed workers are not displaced, inmate safety and any secu-  
 20 rity risks and needs. All moneys derived from such contracts shall be de-  
 21 posited into the correctional industries betterment account established in  
 22 section 20-415, Idaho Code.

23 (3) ~~Inmates Trainees shall be compensated~~ receive a stipend for their  
 24 ~~services participation~~ pursuant to section 20-412, Idaho Code. The board  
 25 shall establish by rule factors to be considered in dispersing ~~inmate~~  
 26 trainee earnings. Deductions shall be made for:

- 27 (a) Reducing or offsetting costs of incarceration from the general  
 28 fund;  
 29 (b) Satisfying court-ordered restitution, fines and other legal judg-  
 30 ments;  
 31 (c) Providing resources for successful reentry by inmates; ~~and~~  
 32 (d) ~~Other fees and deductions as deemed necessary by the board~~ Reentry  
 33 savings; and  
 34 (e) Any other deduction otherwise authorized by law or adopted by rule  
 35 of the board.

36 SECTION 11. That Section 20-414, Idaho Code, be, and the same is hereby  
 37 amended to read as follows:

38 20-414. DISPOSITION OF PRODUCTS. All articles, materials, and sup-  
 39 plies, produced or manufactured under the provisions of this ~~act,~~ chapter  
 40 shall be solely and exclusively for public or nonprofit organization use  
 41 and no article, material, or supplies, produced or manufactured under the  
 42 provisions of this chapter shall ever be sold, supplied, furnished, and ex-  
 43 changed, or given away for any private use or profit, except as allowed by ~~the~~  
 44 ~~preceding~~ section 20-413, Idaho Code. However, by-products and surpluses  
 45 of agricultural and animal husbandry enterprises may be sold to private per-  
 46 sons, at private sale, under rules prescribed by the board of correction.

1 SECTION 12. That Chapter 2, Title 20, Idaho Code, be, and the same is  
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
3 ignated as Section 20-209I, Idaho Code, and to read as follows:

4 20-209I. ASSIGNMENT OF INMATES TO DO CONSERVATION WORK. (1) Inmates  
5 may be assigned to do conservation work on a permanent or temporary basis.  
6 The board or its designated agent may, at such times as it deems proper and on  
7 such terms as it deems wise, enter into contracts or cooperative agreements  
8 with any public agency, state or federal, for the performance of conser-  
9 vation projects that are appropriate and under conditions consistent with  
10 policies established by the board.

11 (2) Inmates may be assigned to perform public conservation projects in-  
12 cluding, but not limited to, forest fire prevention and control, forest and  
13 watershed management, recreational area development, fish and game manage-  
14 ment, soil conservation, and forest watershed revegetation.