



# House of Representatives

General Assembly

**File No. 770**

January Session, 2009

Substitute House Bill No. 6709

*House of Representatives, April 21, 2009*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING THE DEPARTMENT OF CORRECTION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2009*) The Commissioner of  
2 Correction shall not disclose the personnel or medical file or any  
3 similar file including, but not limited to, a record of a departmental  
4 security investigation or investigation of a discrimination complaint of  
5 a current or former employee of the Department of Correction to any  
6 individual committed to the custody or supervision of the  
7 Commissioner of Correction or confined to the Whiting Forensic  
8 Division, except pursuant to a court order.

9 Sec. 2. (NEW) (*Effective October 1, 2009*) (a) A person is guilty of  
10 possession of an electronic wireless communication device in a  
11 correctional institution when, being an inmate of a correctional  
12 institution, such person knowingly conveys from place to place or has  
13 in such person's possession or under such person's control an  
14 electronic wireless communication device.

15 (b) Possession of an electronic wireless communication device in a  
16 correctional institution is a class A misdemeanor for a first offense and  
17 a class D felony for any subsequent offense.

18 Sec. 3. Section 18-85 of the general statutes is repealed and the  
19 following is substituted in lieu thereof (*Effective July 1, 2009*):

20 (a) The Commissioner of Correction, after consultation with the  
21 Commissioner of Administrative Services and the Secretary of the  
22 Office of Policy and Management, shall establish a schedule of  
23 compensation for services performed on behalf of the state by inmates  
24 of any institution or facility of the department. Such schedule shall  
25 recognize degrees of merit, diligence and skill in order to encourage  
26 inmate incentive and industry.

27 (b) Compensation so earned shall be deposited, under the direction  
28 of the [administrative head of such institution or facility, in an inmate's  
29 individual account] Commissioner of Correction, in a savings bank or  
30 state bank and trust company in this state [, and funds from such  
31 account may be transferred to the inmate's discharge savings account  
32 pursuant to section 18-84a. Any amount in such accounts] or an  
33 account administered by the State Treasurer. Any compensation so  
34 earned shall be paid to the inmate on the inmate's [discharge] release  
35 from incarceration, except that the [warden or Community  
36 Correctional Center Administrator] commissioner may, while the  
37 inmate is in custody, disburse any compensation earned by such  
38 inmate in accordance with the following priorities: (1) Federal taxes  
39 due; (2) restitution or payment of compensation to a crime victim  
40 ordered by any court of competent jurisdiction; (3) payment of a civil  
41 judgment rendered in favor of a crime victim by any court of  
42 competent jurisdiction; (4) victims compensation through the criminal  
43 injuries account administered by the Office of Victim Services; (5) state  
44 taxes due; (6) support of the inmate's dependents, if any; (7) the  
45 inmate's necessary travel expense to and from work and other  
46 incidental expenses; (8) payments to the inmate's discharge savings  
47 account under section 18-84a, as amended by this act; (9) costs of such

48 inmate's incarceration under section 18-85a, as amended by this act,  
49 and regulations adopted in accordance with said section; and [(9)] (10)  
50 payment to the clerk of the court in which an inmate, [of a community  
51 correctional center, held] confined in a correctional facility only for  
52 payment of a fine, was convicted, such portion of such compensation  
53 as is necessary to pay such fine. Any interest that accrues shall be  
54 credited to any institutional fund established for the welfare of  
55 inmates. Compensation under this section shall be in addition to any  
56 compensation received or credited under section 18-50.

57 Sec. 4. Section 18-84a of the general statutes is repealed and the  
58 following is substituted in lieu thereof (*Effective July 1, 2009*):

59 (a) The Commissioner of Correction shall require each inmate  
60 sentenced to a term of incarceration by a court of this state to  
61 accumulate savings to be paid to the inmate on the inmate's  
62 [discharge] release from incarceration by establishing a discharge  
63 savings account on behalf of the inmate. Any inmate sentenced to a  
64 term of incarceration by a court of this state but confined in a facility  
65 outside this state shall be exempt from such requirement while  
66 confined in such facility.

67 (b) For the purpose of establishing such discharge savings account,  
68 the commissioner may impose a deduction of up to ten per cent on all  
69 deposits [made] credited to the inmate's individual account, provided  
70 the commissioner (1) [transfers] credits such deduction to the inmate's  
71 discharge savings account, and (2) ceases imposition [and transfer] of  
72 such deduction whenever the amount in the inmate's discharge  
73 savings account [is equal to] equals one thousand one hundred dollars.

74 (c) [If] Whenever the amount in the inmate's discharge savings  
75 account [is equal to] equals one thousand one hundred dollars, the  
76 commissioner shall impose a deduction of ten per cent on all deposits  
77 made to the inmate's individual account to the extent necessary to  
78 reimburse the state for the costs of the inmate's incarceration pursuant  
79 to section 18-85a, as amended by this act, and the regulations adopted  
80 pursuant to said section. [18-85a.]

81 (d) Disbursement to the inmate from the inmate's discharge savings  
82 account upon the inmate's release from incarceration shall not be  
83 reduced by any disbursement required by sections 18-85, as amended  
84 by this act, 18-85b, 18-85c and 18-101, as amended by this act.

85 (e) The commissioner may adopt regulations, in accordance with the  
86 provisions of chapter 54, to implement this section.

87 Sec. 5. Section 18-85a of the general statutes is repealed and the  
88 following is substituted in lieu thereof (*Effective July 1, 2009*):

89 (a) The Commissioner of Correction shall adopt regulations, in  
90 accordance with the provisions of chapter 54, concerning the  
91 assessment of inmates of correctional institutions or facilities for the  
92 costs of their incarceration.

93 (b) The state shall have a claim against each inmate for the costs of  
94 such inmate's incarceration under this section, and regulations  
95 adopted in accordance with this section, for which the state has not  
96 been reimbursed. Any property owned by such inmate may be used to  
97 satisfy such claim, except property that is: (1) Exempt pursuant to  
98 section 52-352b or 52-352d, except as provided in subsection (b) of  
99 section 52-321a; (2) subject to the provisions of section 54-218; (3)  
100 acquired by such inmate after the inmate is released from  
101 incarceration, but not including property so acquired that is subject to  
102 the provisions of section 18-85b, 18-85c or 52-367c, and except as  
103 provided in subsection (b) of section 52-321a; (4) acquired by such  
104 inmate for work performed during incarceration as part of a program  
105 designated or defined in regulations adopted by the Commissioner of  
106 Correction, in accordance with the provisions of chapter 54, as a job  
107 training, skill development or career opportunity or enhancement  
108 program, other than a program established pursuant to section 18-90b,  
109 as amended by this act, except that the commissioner may assess a fee  
110 for participation in any such program; or (5) [deposited in] credited to  
111 a discharge savings account pursuant to section 18-84a, as amended by  
112 this act, not in excess of one thousand one hundred dollars. In addition  
113 to other remedies available at law, the Attorney General, on request of

114 the Commissioner of Correction, may bring an action in the superior  
115 court for the judicial district of Hartford to enforce such claim,  
116 provided no such action shall be brought but within two years from  
117 the date the inmate is released from incarceration or, if the inmate dies  
118 while in the custody of the commissioner, within two years from the  
119 date of the inmate's death, except that such limitation period shall not  
120 apply if such property was fraudulently concealed from the state.

121 Sec. 6. Section 18-101 of the general statutes is repealed and the  
122 following is substituted in lieu thereof (*Effective July 1, 2009*):

123 (a) When any [person] inmate to whom privileges have been  
124 granted under section [18-90b or] 18-100 is employed for  
125 compensation, the Commissioner of Correction or the commissioner's  
126 designee shall collect such compensation or require such [person]  
127 inmate to deliver to the commissioner the full amount of such  
128 compensation when received. The commissioner or [such] the  
129 commissioner's designee shall [deposit] credit such funds in trust in  
130 [an] the inmate's individual account and shall keep a record showing  
131 the status of the account of each [person. Compensation received by  
132 such person during such person's term of imprisonment shall not be  
133 subject to levy or attachment] inmate.

134 (b) On granting privileges to any [person] inmate under section [18-  
135 90b or] 18-100, the commissioner or the commissioner's designee shall  
136 disburse any compensation earned by such [person] inmate in  
137 accordance with the following priorities: (1) Federal taxes due; (2)  
138 restitution or payment of compensation to a crime victim ordered by  
139 any court of competent jurisdiction; (3) payment of a civil judgment  
140 rendered in favor of a crime victim by any court of competent  
141 jurisdiction; (4) victims compensation through the criminal injuries  
142 account administered by the Office of Victim Services; (5) state taxes  
143 due; (6) support of such [person's] inmate's dependents, if any; (7) such  
144 [person's] inmate's necessary travel expense to and from work and  
145 other incidental expenses; [and] (8) payments to the inmate's discharge  
146 savings account under section 18-84a, as amended by this act; and (9)

147 costs of such [person's] inmate's incarceration under section 18-85a, as  
148 amended by this act, and regulations adopted in accordance with said  
149 section. The commissioner shall pay any balance remaining to such  
150 [person] inmate upon the [person's discharge] inmate's release from  
151 incarceration including any amount [transferred] credited to a  
152 discharge savings account pursuant to section 18-84a, as amended by  
153 this act. Each [person] inmate gainfully self-employed shall pay to the  
154 commissioner the costs of such [person's] inmate's incarceration under  
155 section 18-85a, as amended by this act, and regulations adopted in  
156 accordance with said section, and on default in payment thereof the  
157 [person's] inmate's participation under section 18-100 shall be revoked.

158 (c) The commissioner or the commissioner's designee shall notify  
159 the Commissioner of Social Services and the welfare department of the  
160 town where the dependents of any [person] inmate employed under  
161 the provisions of section 18-90b, as amended by this act, or 18-100  
162 reside of the amounts of any payments being made to such  
163 dependents.

164 Sec. 7. Section 18-90b of the general statutes is repealed and the  
165 following is substituted in lieu thereof (*Effective July 1, 2009*):

166 (a) The Commissioner of Correction is authorized to establish a pilot  
167 program involving the use of inmate labor in private industry  
168 consistent with governing federal guidelines.

169 (b) The commissioner may enter into such contracts as may be  
170 necessary to fully implement the pilot program. Such contractual  
171 agreements may include rental or lease agreements for state buildings  
172 or portions thereof on the grounds of any institution or facility of the  
173 Department of Correction and for any real property needed for  
174 reasonable access to and egress from any such building for the purpose  
175 of establishing and operating a factory for the manufacturing and  
176 processing of goods, wares or merchandise or the provision of service  
177 or any other business or commercial enterprise deemed by the  
178 commissioner to enhance the general welfare of the inmate population.

179 (c) An inmate may participate in the program established pursuant  
180 to this section only on a voluntary basis and only after he has been  
181 informed of the conditions of his employment.

182 (d) No inmate participating in the program shall be paid less than  
183 the prevailing wage for work of similar nature in private industry.

184 (e) Inmate participation in the program shall not result in the  
185 displacement of employed workers and shall not impair existing  
186 contracts for services.

187 (f) Nothing contained in this section shall be deemed to restore in  
188 whole or in part the civil rights of any inmate. No inmate compensated  
189 for participation in the program shall be considered an employee of the  
190 state or exempt from the provisions of section 18-84a, as amended by  
191 this act, or section 18-85a, as amended by this act.

192 (g) The provisions of subsection (j) of section 18-88 shall not apply to  
193 any articles, materials or products manufactured or produced by  
194 institutional inmates pursuant to this section.

195 Sec. 8. Subdivision (19) of subsection (b) of section 1-210 of the  
196 general statutes is repealed and the following is substituted in lieu  
197 thereof (*Effective July 1, 2009*):

198 (19) Records when there are reasonable grounds to believe  
199 disclosure may result in a safety risk, including the risk of harm to any  
200 person, any government-owned or leased institution or facility or any  
201 fixture or appurtenance and equipment attached to, or contained in,  
202 such institution or facility, except that such records shall be disclosed  
203 to a law enforcement agency upon the request of the law enforcement  
204 agency. Such reasonable grounds shall be determined (A) (i) by the  
205 Commissioner of Public Works, after consultation with the chief  
206 executive officer of an executive branch state agency, with respect to  
207 records concerning such agency; and (ii) by the Commissioner of  
208 Emergency Management and Homeland Security, after consultation  
209 with the chief executive officer of a municipal, district or regional

210 agency, with respect to records concerning such agency; (B) by the  
211 Chief Court Administrator with respect to records concerning the  
212 Judicial Department; and (C) by the executive director of the Joint  
213 Committee on Legislative Management, with respect to records  
214 concerning the Legislative Department. As used in this section,  
215 "government-owned or leased institution or facility" includes, but is  
216 not limited to, an institution or facility owned or leased by a public  
217 service company, as defined in section 16-1, a certified  
218 telecommunications provider, as defined in section 16-1, a water  
219 company, as defined in section 25-32a, or a municipal utility that  
220 furnishes electric, gas or water service, but does not include an  
221 institution or facility owned or leased by the federal government, and  
222 "chief executive officer" includes, but is not limited to, an agency head,  
223 department head, executive director or chief executive officer. Such  
224 records include, but are not limited to:

225 (i) Security manuals or reports;

226 (ii) Engineering and architectural drawings of government-owned  
227 or leased institutions or facilities;

228 (iii) Operational specifications of security systems utilized at any  
229 government-owned or leased institution or facility, except that a  
230 general description of any such security system and the cost and  
231 quality of such system, may be disclosed;

232 (iv) Training manuals prepared for government-owned or leased  
233 institutions or facilities that describe, in any manner, security  
234 procedures, emergency plans or security equipment;

235 (v) Internal security audits of government-owned or leased  
236 institutions or facilities;

237 (vi) Minutes or records of meetings, or portions of such minutes or  
238 records, that contain or reveal information relating to security or other  
239 records otherwise exempt from disclosure under this subdivision;

240 (vii) Logs or other documents that contain information on the

241 movement or assignment of security personnel;

242 (viii) Emergency plans and emergency preparedness, response,  
243 recovery and mitigation plans, including plans provided by a person  
244 to a state agency or a local emergency management agency or official;  
245 [and]

246 (ix) With respect to a water company, as defined in section 25-32a,  
247 that provides water service: Vulnerability assessments and risk  
248 management plans, operational plans, portions of water supply plans  
249 submitted pursuant to section 25-32d that contain or reveal  
250 information the disclosure of which may result in a security risk to a  
251 water company, inspection reports, technical specifications and other  
252 materials that depict or specifically describe critical water company  
253 operating facilities, collection and distribution systems or sources of  
254 supply; and

255 (x) With respect to correctional institutions and facilities and  
256 Whiting Forensic Division facilities, any records, including, but not  
257 limited to, drawings, specifications, plans and aerial depictions that are  
258 related to the physical plant, infrastructure and site conditions of such  
259 institutions and facilities, the disclosure of which may result in a safety  
260 or security risk to any such institution or facility.

261 Sec. 9. Section 18-101b of the general statutes is repealed and the  
262 following is substituted in lieu thereof (*Effective October 1, 2009*):

263 (a) Any inmate of a correctional facility under the authority of the  
264 Department of Correction, involved in a departmental program for  
265 drug dependent inmates or in a departmental work or education  
266 release program, may request that he be allowed to remain in a  
267 correctional facility for up to ninety days beyond his parole release or  
268 discharge date.

269 (b) Any inmate of a correctional facility under the authority of the  
270 Department of Correction may request that he be allowed to remain in  
271 a correctional facility for up to ninety days beyond his discharge date

272 (1) if such inmate is scheduled to be discharged to a treatment program  
 273 or health care institution but the program or institution is unable to  
 274 accept the inmate on the scheduled discharge date, or (2) for any  
 275 compelling reason deemed consistent with offender rehabilitation or  
 276 treatment.

277 ~~[(b)]~~ (c) Any person under the jurisdiction of the Department of  
 278 Correction, involved in a program operated by a state department  
 279 other than the Department of Correction, may request that he be  
 280 allowed to remain in such program for up to ninety days beyond his  
 281 parole release or discharge date.

282 [(c)] (d) Any inmate requesting permission to remain in a  
 283 correctional facility, as provided in subsection (a) or (b) of this section  
 284 or any person requesting permission to remain in a program, as  
 285 provided in subsection [(b)] (c) of this section, shall submit such  
 286 request, in writing, to the Commissioner of Correction not later than  
 287 one week prior to the scheduled date for the inmate's release or  
 288 discharge.

289 [(d)] (e) Any inmate receiving permission to remain in a correctional  
 290 facility or any person receiving permission to remain in a program  
 291 operated by a state department other than the Department of  
 292 Correction beyond his scheduled date for parole release or discharge  
 293 may be charged a reasonable daily fee by the appropriate department  
 294 while [said inmate is] housed in a facility of said department.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2009	New section
Sec. 2	October 1, 2009	New section
Sec. 3	July 1, 2009	18-85
Sec. 4	July 1, 2009	18-84a
Sec. 5	July 1, 2009	18-85a
Sec. 6	July 1, 2009	18-101
Sec. 7	July 1, 2009	18-90b
Sec. 8	July 1, 2009	1-210(b)(19)

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Sec. 9	October 1, 2009	18-101b
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**JUD**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Various Criminal State Agencies	GF - Cost	Potential Minimal	Potential Minimal
Correction, Dept.	GF - Cost/Savings	Minimal	Minimal
Correction, Dept.; Attorney General	GF - Revenue Loss	Minimal	Minimal

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill results in various impacts as follows:

Section 2 makes an inmate's possession of an electronic device a class D felony. Currently, the possession of these devices by inmates are disallowed and confiscated by staff and there may be some administrative penalty that accompanies such possession. It is anticipated that the use of this new crime would be applied in only a few cases per year if any and consequently any cost to the criminal justice system would be minimal or nonexistent.<sup>1</sup>

Sections 3-7 would result in a minimal loss in revenue to the state associated with potential foregone collections for the cost of incarceration. The bill makes technical and clarifying changes, to the inmate discharge savings accounts statutes in order to make them workable for implementation. It also increases the maximum an inmate may accumulate from \$1,000 to \$1,100 before deductions are

<sup>1</sup> Judicial records indicate no activity under CGS 53a-174b, the current law that makes it a class A misdemeanor for persons to convey electronic devices to inmates or to use electronic devices in a facility.

made. Currently, no inmate discharge savings accounts have been established. Inmates currently are eligible to earn \$1.75/day for work performed in the prisons or for those enrolled in the private industry labor program (currently about 16 individuals), the compensation is \$8/hour.

Section 9 results in a minimal cost to the Department of Correction associated with expanding the allowance for certain inmates to remain an additional 90 days beyond their end of sentence in a correctional facility under certain circumstances. Currently, no inmates are participating in the existing allowance to stay an additional 90 days under CGS 18-101b. The bill is anticipated to affect only a few inmates on an annual basis. The average cost to incarcerate someone for 90 days is \$11,224.

It also makes various other changes concerning record disclosure that have no fiscal impact.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis**

**sHB 6709**

***AN ACT CONCERNING THE DEPARTMENT OF CORRECTION.***

**SUMMARY:**

This bill establishes a new crime and makes various unrelated changes to laws affecting the Department of Correction (DOC). Specifically, it:

1. restricts access to certain DOC-related records;
2. alters the inmate discharge savings program;
3. broadens the circumstances under which inmates may request an extended stay in correctional facilities;
4. allows the DOC commissioner to assess a fee for participation in any job training, skill development, or career opportunity or enhancement program;
5. requires the DOC commissioner to make the inmate labor pilot program consistent with governing federal guidelines (see BACKGROUND);
6. makes changes to how compensation received by program participants is handled; and
7. permits work release program participants' compensation to be levied or attached.

The bill makes technical changes.

**EFFECTIVE DATE:** July 1, 2009, except that the provisions establishing the new crime and allowing inmates to request an extended stay in a correctional facility are effective on October 1, 2009.

**CRIME**

The bill makes it a crime for an inmate to knowingly convey from place to place or possess an electronic wireless communication device in a correctional institution. First offenders are guilty of a class A misdemeanor, punishable by up to one year in prison, up to a \$2,000 fine, or both. Subsequent offenders are guilty of a class D felony, punishable by up to five years in prison, up to a \$5,000 fine, or both.

It is already a class A misdemeanor for any unauthorized person to (1) convey or possess with intent to convey an electronic wireless communication device to an inmate in a correctional institution or (2) use an electronic wireless communication device to take a photo or digital image in the institution.

**ACCESS TO DOC RECORDS*****Personnel, Medical, and Similar Files***

The bill prohibits the DOC commissioner from disclosing personnel, medical, or similar files to inmates or people confined to the Whiting Forensic Division, except pursuant to a court order. It specifies that similar files include records of department security investigations and investigations of discrimination complaints concerning current or former DOC employees. By law, personnel, medical, or similar files are subject to disclosure under the Freedom of Information Act (FOIA) unless the disclosure would constitute an invasion of personal privacy.

***Records That Pose a Safety Risk***

The bill exempts from disclosure under FOIA any records that would pose a safety or security risk to any correctional facility or institution to Whiting Forensic Division facility if disclosed. It specifies that the records include drawings, specifications, plans, and aerial depictions that are related to the physical plant, infrastructure, or site conditions of the institutions or facilities. By law, unchanged by the bill, records that the DOC commissioner reasonably believes may result in a safety risk are exempt from disclosure under FOIA.

**EXTENDED PRISON STAY**

The bill extends to more inmates the opportunity to remain at a correctional institution beyond a maximum sentence term. It allows inmates to ask the DOC commissioner to remain in a correctional facility for up to 90 days after their discharge date (1) if the treatment program or health care institution to which they are discharged is unable to accept them on the discharge date or (2) for any compelling reason consistent with their rehabilitation or treatment. By law, inmates participating in a state program or a department drug, work, or education release program may request an extended stay.

As for an inmate requesting an extended stay under current law, the bill requires inmates seeking an extended stay to make the request in writing at least one week before their scheduled release. By law, the DOC commissioner may charge inmates granted permission to stay a reasonable daily fee.

#### **INMATE COMPENSATION**

Under current law, the warden of each correctional facility and administrator of each community correctional center must have any compensation an inmate receives deposited into separate individual inmate bank accounts. Funds in each individual account are disbursed to pay any applicable statutory obligations, including transfer to a discharge savings account each inmate is required to establish. The law is silent on whether discharge savings account transfers have a higher or lower priority than other disbursements. The statutory disbursements are for:

1. paying taxes;
2. supporting dependents;
3. court-ordered restitution or compensation of victims, civil judgments in favor of a victim, or victim compensation through the criminal injuries account;
4. necessary travel and incidental expenses for work; and

5. payments to the court clerk if the inmate is held only for not paying a fine.

The bill:

1. requires the DOC commissioner to perform the duties associated with inmate compensation currently performed by individual wardens or community correction center administrators,
2. eliminates the requirement for an individual bank account for each inmate, including inmates participating in the work release or private industry labor program, and instead requires the commissioner to direct inmates' compensation to a bank account or an account that the state treasurer administers (DOC continues to maintain individual internal accountings of each inmates funds),
3. specifies that inmates contribute to inmate discharge savings accounts after most other statutory disbursements are satisfied (only payments to court clerks by inmates held only for not paying a fine has a lower priority), and
4. applies the disbursement to court clerks for nonpayment of fines to all inmates instead of just those in community correctional centers.

### ***Discharge Savings Account***

Under current law, the DOC commissioner must create a discharge savings account for each inmate to accumulate up to \$1,000 that is available to him or her on discharge. The compensation inmates receive for jobs they perform is placed in an individual bank account for the inmate and transferred from it to the inmate's discharge savings account. Once the account reaches \$1,000, the law requires DOC to deduct 10% from any deposits to reimburse the state for the inmate's cost of incarceration, as necessary.

The bill limits the mandatory requirement to accumulate discharge

savings to sentenced inmates only. It also exempts from the requirement inmates sentenced in this state but confined in another state.

It increases, from \$1,000 to \$1,100, the amount inmates may accumulate in the account. Once this threshold is reached, the DOC commissioner must deduct 10% from any deposits to reimburse the state for the inmate's cost of incarceration.

It prohibits funds paid to inmates from the account upon release from being used for the disbursements listed above or to pay incarceration costs. Currently, the funds must be used for disbursements.

Lastly, the bill requires inmates participating in a work release program or the private industry labor program (see below) to contribute to the discharge savings account.

### **PILOT INMATE LABOR PROGRAM**

By law, the DOC commissioner may establish a pilot program to use inmate labor in private industry and may enter any necessary contract including rental or lease agreements. An inmate may participate in this program only on a voluntary basis and only after he or she has been informed of the conditions of his employment. Inmates must be paid at least the prevailing wage for similar work in private industry.

The bill:

1. subjects compensation received by program participants to state claims for the cost of their incarceration,
2. eliminates a requirement for the DOC commissioner or her designee to collect and deposit inmate participants' compensation in a trust account and instead subjects participants to the same income collection and deposit requirements as inmates performing services on behalf of the state,
3. permits program participants' compensation to be levied or

attached, and

4. requires the DOC commissioner or her designee to notify the social services commissioner and the welfare department in the town where a program participant's dependents live of any amount being paid to the dependents by the participant.

## **BACKGROUND**

### ***Prison Industry Enhancement Certification Program Guidelines***

The federal guideline governs such things as program eligibility, minimum wages, and allowable deductions from inmates' wages.

### ***Related Bills***

HB 1152, favorably reported by the Government Administration and Elections Committee, codifies the *Perkins* test for determining whether personnel, medical, or similar files constitute an invasion of personal privacy.

sHB 6670, favorably reported by the Judiciary Committee, also codifies the *Perkins* test.

## **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 41    Nay 0    (04/03/2009)