



# Senate

General Assembly

**File No. 649**

January Session, 2013

Substitute Senate Bill No. 238

*Senate, May 1, 2013*

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## ***AN ACT CONCERNING INMATE DISCHARGE SAVINGS ACCOUNTS.***

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

1 Section 1. Section 18-84a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2013*):

3 (a) The Commissioner of Correction shall require each inmate  
4 sentenced to a term of incarceration by a court of this state to  
5 accumulate savings to be paid to the inmate on the inmate's  
6 [discharge] release from incarceration by establishing a discharge  
7 savings account on behalf of the inmate. Any inmate sentenced to a  
8 term of incarceration by a court of this state but confined in a facility  
9 outside this state shall be exempt from such requirement while  
10 confined in such facility.

11 (b) For the purpose of establishing such discharge savings account,  
12 the commissioner may impose a deduction of up to ten per cent on all  
13 deposits [made] credited to the inmate's individual account, provided  
14 the commissioner (1) [transfers] credits such deduction to the inmate's

15 discharge savings account, and (2) ceases imposition [and transfer] of  
16 such deduction whenever the amount in the inmate's discharge  
17 savings account [is equal to] equals one thousand dollars.

18 (c) [If] Whenever the amount in the inmate's discharge savings  
19 account [is equal to] equals one thousand dollars, the commissioner  
20 shall impose a deduction of ten per cent on all deposits [made]  
21 credited to the inmate's individual account to the extent necessary to  
22 reimburse the state for the costs of the inmate's incarceration pursuant  
23 to section 18-85a, as amended by this act, and [the] regulations  
24 adopted [pursuant to] in accordance with said section. [18-85a.]

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

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

31 Sec. 2. Section 18-85 of the general statutes is repealed and the  
32 following is substituted in lieu thereof (*Effective July 1, 2013*):

33 (a) The Commissioner of Correction, after consultation with the  
34 Commissioner of Administrative Services and the Secretary of the  
35 Office of Policy and Management, shall establish a schedule of  
36 compensation for services performed on behalf of the state by inmates  
37 of any institution or facility of the department. Such schedule shall  
38 recognize degrees of merit, diligence and skill in order to encourage  
39 inmate incentive and industry.

40 (b) Compensation so earned shall be deposited, under the direction  
41 of the [administrative head of such institution or facility, in an inmate's  
42 individual account] Commissioner of Correction, in an account in a  
43 savings bank or state bank and trust company in this state [, and funds  
44 from such account may be transferred to the inmate's discharge  
45 savings account pursuant to section 18-84a. Any amount in such

46 accounts] or an account administered by the State Treasurer. Any  
47 compensation so earned shall be paid to the inmate on the inmate's  
48 [discharge] release from incarceration, except that the [warden or  
49 Community Correctional Center Administrator] commissioner may,  
50 while the inmate is in custody, disburse any compensation earned by  
51 such inmate in accordance with the following priorities: (1) Federal  
52 taxes due; (2) restitution or payment of compensation to a crime victim  
53 ordered by any court of competent jurisdiction; (3) payment of a civil  
54 judgment rendered in favor of a crime victim by any court of  
55 competent jurisdiction; (4) victims compensation through the criminal  
56 injuries account administered by the Office of Victim Services; (5) state  
57 taxes due; (6) support of the inmate's dependents, if any; (7) the  
58 inmate's necessary travel expense to and from work and other  
59 incidental expenses; (8) deposits credited to the inmate's discharge  
60 savings account under section 18-84a, as amended by this act; (9) costs  
61 of such inmate's incarceration under section 18-85a, as amended by  
62 this act, and regulations adopted in accordance with said section; and  
63 [(9)] (10) payment to the clerk of the court in which an inmate, [of a  
64 community correctional center, held] confined in a correctional facility  
65 only for payment of a fine, was convicted, such portion of such  
66 compensation as is necessary to pay such fine. Any interest that  
67 accrues shall be credited to any institutional fund established for the  
68 welfare of inmates. Compensation under this section shall be in  
69 addition to any compensation received or credited under section 18-50.

70 Sec. 3. Section 18-85a of the general statutes is repealed and the  
71 following is substituted in lieu thereof (*Effective July 1, 2013*):

72 (a) The Commissioner of Correction shall adopt regulations, in  
73 accordance with the provisions of chapter 54, concerning the  
74 assessment of inmates of correctional institutions or facilities for the  
75 costs of their incarceration.

76 (b) The state shall have a claim against each inmate for the costs of  
77 such inmate's incarceration under this section, and regulations  
78 adopted in accordance with this section, for which the state has not

79 been reimbursed. Any property owned by such inmate may be used to  
80 satisfy such claim, except property that is: (1) Exempt pursuant to  
81 section 52-352b or 52-352d, except as provided in subsection (b) of  
82 section 52-321a; (2) subject to the provisions of section 54-218; (3)  
83 acquired by such inmate after the inmate is released from  
84 incarceration, but not including property so acquired that is subject to  
85 the provisions of section 18-85b, 18-85c or 52-367c, and except as  
86 provided in subsection (b) of section 52-321a; (4) acquired by such  
87 inmate for work performed during incarceration as part of a program  
88 designated or defined in regulations adopted by the Commissioner of  
89 Correction, in accordance with the provisions of chapter 54, as a job  
90 training, skill development or career opportunity or enhancement  
91 program, other than a pilot program established pursuant to section  
92 18-90b, as amended by this act, except that the commissioner may  
93 assess a fee for participation in any such program; or (5) [deposited in]  
94 credited to a discharge savings account pursuant to section 18-84a, as  
95 amended by this act, not in excess of one thousand dollars. In addition  
96 to other remedies available at law, the Attorney General, on request of  
97 the Commissioner of Correction, may bring an action in the superior  
98 court for the judicial district of Hartford to enforce such claim,  
99 provided no such action shall be brought but within two years from  
100 the date the inmate is released from incarceration or, if the inmate dies  
101 while in the custody of the commissioner, within two years from the  
102 date of the inmate's death, except that such limitation period shall not  
103 apply if such property was fraudulently concealed from the state.

104 Sec. 4. Section 18-101 of the general statutes is repealed and the  
105 following is substituted in lieu thereof (*Effective July 1, 2013*):

106 (a) [When any person] Whenever any inmate to whom privileges  
107 have been granted under section [18-90b or] 18-100 is employed for  
108 compensation, the Commissioner of Correction or the commissioner's  
109 designee shall collect such compensation or require such [person]  
110 inmate to deliver to the commissioner or the commissioner's designee  
111 the full amount of such compensation when received. The  
112 commissioner or [such] the commissioner's designee shall deposit such

113 funds in [trust in] an account in a savings bank or state bank and trust  
114 company in this state or an account administered by the State  
115 Treasurer and shall credit such funds to the inmate's individual  
116 account and shall keep a record showing the status of the account of  
117 each [person. Compensation received by such person during such  
118 person's term of imprisonment shall not be subject to levy or  
119 attachment] inmate.

120 (b) On granting privileges to any [person] inmate under section [18-  
121 90b or] 18-100, the commissioner or the commissioner's designee shall  
122 disburse any compensation earned by such [person] inmate in  
123 accordance with the following priorities: (1) Federal taxes due; (2)  
124 restitution or payment of compensation to a crime victim ordered by  
125 any court of competent jurisdiction; (3) payment of a civil judgment  
126 rendered in favor of a crime victim by any court of competent  
127 jurisdiction; (4) victims compensation through the criminal injuries  
128 account administered by the Office of Victim Services; (5) state taxes  
129 due; (6) support of such [person's] inmate's dependents, if any; (7) such  
130 [person's] inmate's necessary travel expense to and from work and  
131 other incidental expenses; [and] (8) deposits credited to the inmate's  
132 discharge savings account under section 18-84a, as amended by this  
133 act; and (9) costs of such [person's] inmate's incarceration under  
134 section 18-85a, as amended by this act, and regulations adopted in  
135 accordance with said section. The commissioner shall pay any balance  
136 remaining to such [person] inmate upon the [person's discharge]  
137 inmate's release from incarceration including any amount [transferred]  
138 credited to a discharge savings account pursuant to section 18-84a, as  
139 amended by this act. Each [person] inmate gainfully self-employed  
140 shall pay to the commissioner the costs of such [person's] inmate's  
141 incarceration under section 18-85a, as amended by this act, and  
142 regulations adopted in accordance with said section, and on default in  
143 payment thereof the [person's] inmate's participation under section 18-  
144 100 shall be revoked.

145 (c) The commissioner or the commissioner's designee shall notify  
146 the Commissioner of Social Services and the welfare department of the

147 town where the dependents of any [person] inmate employed under  
148 the provisions of section 18-90b, as amended by this act, or 18-100  
149 reside of the amounts of any payments being made to such  
150 dependents.

151 Sec. 5. Section 18-90b of the general statutes is repealed and the  
152 following is substituted in lieu thereof (*Effective July 1, 2013*):

153 (a) The Commissioner of Correction [is authorized to] may establish  
154 a pilot program involving the use of inmate labor in private industry  
155 consistent with governing federal guidelines.

156 (b) The commissioner may enter into such contracts as may be  
157 necessary to fully implement the pilot program. Such contractual  
158 agreements may include rental or lease agreements for state buildings  
159 or portions thereof on the grounds of any institution or facility of the  
160 Department of Correction and for any real property needed for  
161 reasonable access to and egress from any such building for the purpose  
162 of establishing and operating a factory for the manufacturing and  
163 processing of goods, wares or merchandise or the provision of service  
164 or any other business or commercial enterprise deemed by the  
165 commissioner to enhance the general welfare of the inmate population.

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

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

172 (e) Inmate participation in the pilot program shall not result in the  
173 displacement of employed workers and shall not impair existing  
174 contracts for services.

175 (f) Nothing [contained] in this section shall be deemed to restore in  
176 whole or in part the civil rights of any inmate. No inmate compensated  
177 for participation in the program shall be considered to be an employee

178 of the state or exempt from the provisions of (1) section 18-84a, as  
179 amended by this act, or (2) section 18-85a, as amended by this act, and  
180 regulations adopted in accordance with said section.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2013	18-84a
Sec. 2	July 1, 2013	18-85
Sec. 3	July 1, 2013	18-85a
Sec. 4	July 1, 2013	18-101
Sec. 5	July 1, 2013	18-90b

**Statement of Legislative Commissioners:**

In section 3(b)(4), the second reference to "pilot" was deleted for accuracy.

**JUD**      *Joint Favorable Subst. -LCO*

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.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill makes technical and minor changes to statutes that govern the inmate discharge savings account program administered by the Department of Correction and will not result in a fiscal impact.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****sSB 238****AN ACT CONCERNING INMATE DISCHARGE SAVINGS ACCOUNTS.****SUMMARY:**

This bill:

1. requires the Department of Correction (DOC) commissioner to perform the duties associated with inmate compensation currently performed by individual facility administrators;
2. eliminates the requirement for an individual bank account for each inmate 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 inmate's funds);
3. alters the inmate discharge savings program, including limiting it to sentenced inmates;
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) and makes changes to how program participants' compensation is handled; and
6. permits work release program participants' compensation to be levied or attached.

EFFECTIVE DATE: July 1, 2013

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**INMATE COMPENSATION**

Under current law, the head of each correctional facility must have any compensation an inmate earns deposited into a separate individual inmate bank account. Funds in each individual account are disbursed to pay certain obligations according to the following priorities set by statute:

1. paying federal taxes;
2. court-ordered restitution or compensation of victims, civil judgments in favor of a victim, or victim compensation through the criminal injuries account;
3. paying state taxes;
4. supporting dependents;
5. necessary travel and incidental expenses for work;
6. incarceration costs; and
7. payments to the court clerk if the inmate is held only for not paying a fine.

Current law also requires transfers to a discharge savings account for each inmate but is silent on whether such transfers have a higher or lower priority than other disbursements.

The bill:

1. requires the DOC commissioner to perform the inmate compensation duties currently performed by individual facility administrators;
2. eliminates the requirement for an individual bank account for each inmate, including inmates participating in a private industry labor program or on work-release, 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 inmate's funds);

3. specifies that inmates contribute to inmate discharge savings accounts after most other statutory disbursements are satisfied (only payments for incarceration costs or to court clerks by inmates held only for not paying a fine have lower priority);
4. applies the disbursement to court clerks for nonpayment of fines to all inmates instead of just those in community correctional centers; and
5. permits inmates' compensation to be levied or attached.

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

By law, DOC can transfer up to 10% of any deposit from an inmate's individual account to his or her discharge savings account. Once the discharge savings account reaches \$1,000, DOC must deduct 10% from any deposits to reimburse the state for the inmate's incarceration costs, as necessary.

The bill limits the mandatory requirement to accumulate discharge savings to only those inmates sentenced and confined in Connecticut.

It eliminates the requirement under current law that funds paid from the account to inmates upon release be used for the disbursements listed above.

### **WORK-RELEASE COMPENSATION**

By law, the DOC commissioner can allow an inmate to continue in outside employment or can attempt to obtain such employment for an inmate. Currently, any compensation the inmate earns must be given to the commissioner. The bill allows inmates to give the money to the commissioner's designee and eliminates the requirement that the funds be held in trust for an inmate and instead requires depositing the money in a bank account or an account that the state treasurer administers. The money must be credited to the inmate's individual

account.

The law requires disbursing the compensation for the following purposes:

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. incarceration costs.

The bill specifies that inmates contribute to their discharge savings accounts after satisfying all of these disbursements other than incarceration costs.

### **PILOT INMATE LABOR PROGRAM**

The law allows the DOC commissioner to establish a pilot program to use inmate labor in private industry and enter into 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 employment conditions. 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 his designee to collect and deposit 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 his 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 on the participant's behalf.

## **BACKGROUND**

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

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

## **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 39    Nay 5    (04/12/2013)