

2024 Regular Session

HOUSE BILL NO. 730

BY REPRESENTATIVE MENA

CORRECTIONS/PRISONERS: Creates "The Fairness and Safety Act for Louisiana Incarcerated Workers"

1 AN ACT

2 To amend and reenact R.S. 15:711 and 832(A), (B), (C)(introductory paragraph) and (2),
3 (D), (E), (G), and (H) and to enact Part I-F of Chapter 7 of Title 15 of the Louisiana
4 Revised Statutes of 1950, to be comprised of R.S. 15:748 through 748.4, and R.S.
5 15:832(I), relative to prisoners; to provide for legislative intent; to create the
6 Incarcerated Individuals Workplace Safety Act; to provide for definitions; to provide
7 for minimum safety requirements for certain workers and work environments; to
8 provide for the establishment of a committee; to provide for duties of the committee;
9 to provide for duties of the Department of Public Safety and Corrections; to provide
10 relative to the assessment of wages; to provide for an effective date; and to provide
11 for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 15:711 and 832(A), (B), (C)(introductory paragraph) and (2), (D),
14 (E), (G), and (H) are hereby amended and reenacted and Part I-F of Chapter 7 of Title 15 of
15 the Louisiana Revised Statutes of 1950, comprised of R.S. 15:748 through 748.4, and R.S.
16 15:832(I) are hereby enacted to read as follows:

17 §711. Work release program

18 A. In accordance with the provisions of the Incarcerated Individuals
19 Workplace Safety Act as provided in R.S. 15:748 et seq., it is the intent of the
20 legislature to reduce the deductions made by work release programs from the

1 earnings of incarcerated persons, thereby promoting greater equity and rehabilitation
2 within the correctional system.

3 B. The sheriff of each parish, and in Orleans Parish, the criminal sheriff, is
4 hereby authorized to establish and administer a work release program for ~~inmates~~
5 incarcerated individuals of any jail or prison under his jurisdiction. In the event that
6 the ~~inmate~~ incarcerated individual is confined to a parish correctional facility not
7 operated by the sheriff, then the superintendent of the correctional facility is hereby
8 authorized to establish and administer a work release program for ~~inmates~~
9 incarcerated individuals of the correctional facility under his jurisdiction, and where
10 the word sheriff is used herein it shall also mean superintendent of the correctional
11 facility wherein the ~~inmate~~ incarcerated individual is confined.

12 ~~B. C.~~ Each sheriff shall establish written rules for the administration of the
13 work release program and shall determine those ~~inmates~~ incarcerated individuals
14 who may participate in the release program, except that no ~~inmate~~ incarcerated
15 individual may participate in the program if his sentence so stipulates. ~~Inmates~~
16 Incarcerated individuals sentenced to the Department of Public Safety and
17 Corrections who are in the custody of the sheriff shall not be eligible for work
18 release unless such ~~inmates~~ incarcerated individuals are in compliance with
19 standards for work release within the department and written approval of the
20 secretary of the department is obtained. If any ~~inmate~~ incarcerated individual
21 violates the conditions prescribed by the sheriff, his work release privileges may be
22 withdrawn. Failure to report to or return from the planned employment shall be
23 considered an escape under the provisions of R.S. 14:110. The sheriff may approve
24 as work release privileges, placement in universities, colleges, technical, vocational
25 or trade schools or in sheltered workshops or supported employment providers as
26 defined in R.S. 39:1604.4, or in training programs designed to improve the skills and
27 abilities of the ~~inmate~~ incarcerated individual.

1 ~~C. D.~~ Every ~~inmate~~ incarcerated individual with work release privileges shall
2 be liable for the cost of his room, board, clothing and other necessary expenses
3 incident to his employment or placement.

4 ~~D. E.~~ The wages of any ~~inmate~~ incarcerated individual so employed shall be
5 collected by the sheriff or by his designated agent, and the sheriff shall deposit the
6 same in a public banking institution and keep a ledger showing the financial status
7 of each ~~inmate~~ incarcerated individual on the program.

8 ~~E. F.~~ The wages of any such ~~inmate~~ incarcerated individual shall be
9 disbursed by the sheriff for the following purposes and in the order stated:

10 (1) The board of the ~~inmate~~ incarcerated individual including food, clothing,
11 medical, and dental expenses, which shall not exceed one-third of the gross pay of
12 the incarcerated individual.

13 (2) Necessary travel expense to and from work and other incidental expenses
14 of the ~~inmate~~ incarcerated individual.

15 (3) Support of the ~~inmate's~~ incarcerated individual's dependents, if any.

16 (4) Payment, either in full or ratably of the ~~inmate's~~ incarcerated individual's
17 obligations acknowledged by him in writing, or which have been reduced to
18 judgment.

19 (5) The balance if any, to the ~~inmate~~ incarcerated individual upon his
20 discharge.

21 ~~F. G.~~ The wages of an ~~inmate~~ incarcerated individual so employed shall be
22 not less than the customary wages for an employee performing similar services.

23 ~~G. H.~~(1) Any ~~inmate~~ incarcerated individual who has been convicted of
24 forcible or second degree rape (R.S. 14:42.1), aggravated arson (R.S. 14:51), armed
25 robbery (R.S. 14:64), attempted murder (R.S. 14:27 and 29), attempted armed
26 robbery (R.S. 14:27 and 64), and persons sentenced as habitual offenders under R.S.
27 15:529.1 shall be eligible to participate in a work release program during the last six
28 months of their terms. Notwithstanding the provisions of this Section and unless the
29 ~~inmate~~ incarcerated individual is eligible at an earlier date, those ~~inmates~~

1 incarcerated individuals who have served a minimum of fifteen years in the custody
2 of the department or the sheriff for those crimes enumerated in this Section, shall be
3 eligible to participate in a work release program during the last twelve months of
4 their term.

5 (2) Any ~~inmate~~ incarcerated individual convicted of producing,
6 manufacturing, distributing, or dispensing, or possession with intent to produce,
7 manufacture, distribute, or dispense a controlled dangerous substance classified in
8 R.S. 40:964 shall be eligible to participate in the work release program if the ~~inmate~~
9 incarcerated individual is otherwise in compliance with the standards for work
10 release.

11 ~~H. I.~~ No ~~inmate~~ incarcerated individual employed in the work release
12 program shall be employed in a position which would necessitate his departure from
13 the state except for those ~~inmates~~ incarcerated individuals assigned to work release
14 programs who are employed in industries off the coast of Louisiana.

15 * * *

16 PART I-F. THE INCARCERATED INDIVIDUALS WORKPLACE SAFETY ACT

17 §748. Short title

18 This Part shall be known as "The Incarcerated Individuals Workplace Safety
19 Act".

20 §748.1. Definitions

21 For the purposes of this Part, the following terms shall have the following
22 meanings:

23 (1) "Incarcerated individual" means any person serving a hard labor sentence
24 within any state-operated correctional facility, detention center, transitional work
25 program, or parish jail in Louisiana.

26 (2) "Transitional work program" means any program under R.S. 15:711 that
27 allows incarcerated individuals to engage in paid work outside a correctional facility
28 under the supervision of the Department of Public Safety and Corrections.

1 (3) "Worker protections" means any mandatory safety training, industry
2 approved equipment, and personal protective equipment particular to specific jobs.

3 §748.2. Incarcerated worker protection measures

4 A. Each incarcerated worker and work environment that employs an
5 incarcerated worker shall adhere to the provisions of R.S. 15:832(A) and meet the
6 minimum safety requirements established by the Occupational Safety and Health
7 Administration, hereinafter referred to as "OSHA".

8 B. Mandatory safety training shall be provided to every incarcerated worker
9 and shall address potential occupational hazards and the correct use of safety
10 equipment prior to the beginning of employment.

11 C. The department shall supply necessary protective equipment and gear,
12 tailored to the requirements of the job, to each incarcerated worker at no personal
13 expense.

14 D. Each work environment that employs an incarcerated worker shall be
15 subject to periodic inspections by OSHA.

16 §748.3. Fair wages and worker protection

17 A. The department shall establish a Fair Wages Advisory Committee
18 consisting of five people, one of each appointed by the following:

19 (1) The secretary of the Department of Public Safety and Corrections.

20 (2) The executive director of the Louisiana Sheriffs' Association.

21 (3) The dean of the LSU Law Center.

22 (4) The secretary of the Louisiana Workforce Commission.

23 (5) The secretary of the Louisiana Economic Development.

24 B. The committee shall consider factors such as the type of work performed,
25 industry standards, and the local labor market when determining fair wages.

26 C. The committee shall consider the fundamental fairness of allowing an
27 incarcerated worker to forego his wages in lieu of credit towards good time parole
28 supervision on his sentence and make recommendations accordingly.

Proposed law provides that each incarcerated worker and work environment that employs an incarcerated worker shall adhere to the provisions of present law (R.S. 15:832(A)) and meet the minimum safety requirements established by the Occupational Safety and Health Administration ("OSHA").

Proposed law provides that mandatory safety training shall be provided to every incarcerated worker and shall address potential occupational hazards and the correct use of safety equipment prior to the beginning of employment.

Proposed law provides that the DPS&C shall supply necessary protective equipment and gear, tailored to the requirements of the job, to each incarcerated worker at no personal expense.

Proposed law provides that each work environment that employs an incarcerated worker shall be subject to periodic inspections by OSHA.

Proposed law provides that the DPS&C shall establish a Fair Wages Advisory Committee consisting of five people, one of each appointed by the following:

- (1) The secretary of the DPS&C.
- (2) The executive director of the La. Sheriffs' Association.
- (3) The dean of the LSU Law Center.
- (4) The secretary of the La. Workforce Commission.
- (5) The secretary of the La. Economic Development.

Proposed law provides that the committee shall consider factors such as the type of work performed, industry standards, and the local labor market when determining fair wages as well as the fundamental fairness of allowing an incarcerated worker to forego his wages in lieu of credit towards good time parole supervision on his sentence, and make recommendations accordingly.

Proposed law provides that fair wages shall be reviewed and adjusted on a regular basis to ensure that the wages remain fair and equitable.

Proposed law provides that the DPS&C shall do all of the following:

- (1) Promulgate rules and regulations necessary to effectuate proposed law.
- (2) Establish mechanisms for monitoring and enforcing compliance with fair wage requirements.
- (3) Ensure that all correctional facilities, detention centers, and parish jails housing incarcerated individuals serving hard labor sentences within the state comply with the provisions of proposed law.
- (4) Produce an annual report detailing the fair wages provided to incarcerated individuals.
- (5) Make the annual report provided in proposed law available to the public, including the state legislature, through its website and other available means of publication.

Present law (R.S. 15:832) provides for employment opportunities and vocational training for all inmates under the custody of the DPS&C.

Present law provides that inmates may be compensated, within the limits in grades fixed by the secretary of the department, for work performed, including institutional maintenance and attendance at training programs.

Proposed law removes this provision and provides that an incarcerated individual shall be entitled to receive fair wages for his labor, which shall be paid to him in accordance with the rules and regulations established by the DPS&C.

Proposed law retains present law in general, but renames a term from "inmate" to "incarcerated individual".

Proposed law shall be cited and referred to as "The Fairness and Safety for Louisiana Incarcerated Workers Act".

Proposed law provides that the DPS&C shall implement the provisions relative to worker protections and fair wages for incarcerated workers within six months of the effective date of proposed law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 15:711 and 832(A), (B), (C)(intro. para.) and (2), (D), (E), (G), and (H); Adds R.S. 15:748-748.4 and 832(I))