

FIRST REGULAR SESSION

# HOUSE BILL NO. 739

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COLLINS.

0858H.011

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To repeal section 217.567, RSMo, and to enact in lieu thereof two new sections relating to higher education scholarships for children of incarcerated offenders.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 217.567, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 217.256 and 217.567, to read as follows:

**217.256. 1. As used in this section, the following terms mean:**

(1) "Eligible offender", an offender who is incarcerated in a correctional center and who participates in the vocational enterprise program established in section 217.550;

(2) "Eligible student", an individual who is enrolled in any public or private institution of higher education in this state that is subject to the coordinating board for higher education under section 173.005 and who is a child of an eligible offender.

2. The department shall adopt rules and regulations for establishing additional compensation for each eligible offender for work or services performed under the vocational enterprise program established in section 217.550. The additional compensation established under this section shall be used for the sole purpose of providing scholarships under this section.

3. The additional compensation established under this section shall be at a rate of at least one dollar per hour worked. At least monthly and in the manner determined by the department, the department shall transfer such additional compensation earned by any eligible offender under this section from the eligible offender's compensation or account to the vocational enterprises higher education scholarship fund established in this section.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

17           **4. The compensation established under this section shall be in addition to any**  
18 **compensation received by an eligible offender under any other provision of this chapter.**

19           **5. (1) There is hereby created in the state treasury the "Vocational Enterprises**  
20 **Higher Education Scholarship Fund", which shall consist of moneys appropriated to it by**  
21 **the general assembly; any eligible offender's additional compensation transferred to the**  
22 **fund under this section; and any gifts, contributions, grants, or bequests received from**  
23 **federal, private, or other sources. The state treasurer shall be custodian of the fund. In**  
24 **accordance with sections 30.170 and 30.180, the state treasurer may approve**  
25 **disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in**  
26 **the fund shall be used solely for providing scholarships to eligible students as provided in**  
27 **this section.**

28           **(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys**  
29 **remaining in the fund at the end of the biennium shall not revert to the credit of the**  
30 **general revenue fund.**

31           **(3) The state treasurer shall invest moneys in the fund in the same manner as other**  
32 **funds are invested. Any interest and moneys earned on such investments shall be credited**  
33 **to the fund.**

34           **6. The department shall coordinate with the department of higher education and**  
35 **workforce development to provide moneys for scholarships from the vocational enterprises**  
36 **higher education scholarship fund to eligible students.**

217.567. 1. Notwithstanding the provisions of any other law to the contrary, the director  
2 is hereby authorized to contract with a private individual, corporation, partnership or other lawful  
3 entity for inmate work or vocational training projects involving the manufacture and processing  
4 of goods, wares or merchandise, or any service-related business or commercial enterprise deemed  
5 by the director to be consistent with the proper employment, training and rehabilitation of  
6 offenders.

7           2. Any contract authorized by this section shall be in compliance with federal law, shall  
8 be competitively negotiated by the department and the private entity, shall not result in the  
9 displacement of civilian workers employed in the community or state, and shall be subject to the  
10 approval of the advisory board of vocational enterprises program created pursuant to section  
11 217.555.

12           3. The director may lease space in one or more buildings or portions of buildings on the  
13 grounds of any correctional center, together with the real estate needed for reasonable access to  
14 and egress from the leased premises to a private individual, corporation, partnership or other  
15 lawful entity for the purpose of establishing and operating a business enterprise. The enterprise  
16 shall at all times observe practices and procedures regarding security as the lease may specify or

17 as the correctional center superintendent may temporarily stipulate during periods of emergency.  
18 The enterprise shall be deemed a private enterprise and is subject to all federal and state laws  
19 governing the operation of similar private business enterprises as specified by the authorized  
20 contract.

21 4. Subject to the approval of the director and upon such terms as may be prescribed, any  
22 lessee operating such an enterprise may employ and discharge from employment selected  
23 offenders of the correctional center where the enterprise is operated or from other correctional  
24 centers in close proximity. Offenders assigned to such an enterprise are subject to all  
25 departmental and divisional rules in addition to rules and regulations promulgated by the  
26 authorized contractor. Offenders assigned to such an enterprise for employment purposes shall  
27 be required to pay a percentage of their wages as established by the director of not less than five  
28 percent nor more than twenty percent of gross wages to the crime victims' compensation fund,  
29 section 595.045.

30 5. The director shall establish policies and procedures for determining the specific wages  
31 paid, workers' compensation benefits and deductions from wages to include room and board;  
32 federal, state and Social Security taxes; and family support. All deductions ~~must~~ **shall** not total  
33 more than eighty percent of gross wages. Provisions of the **federal** Fair Labor Standards Act  
34 shall apply to contractual offender workers.

35 6. **For all contracts entered into under this section on or after January 1, 2022, the**  
36 **amounts paid to eligible offenders, as the term is defined in section 217.256, for work**  
37 **performed or services provided shall include the additional compensation established**  
38 **under section 217.256.**

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