

FIRST REGULAR SESSION

HOUSE BILL NO. 1219

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COLLINS.

2444H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 217.435, 217.437, and 217.567, RSMo, and to enact in lieu thereof three new sections relating to offender compensation.

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

Section A. Sections 217.435, 217.437, and 217.567, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 217.435, 217.437, and 217.567, to read as follows:

217.435. 1. The director may establish, at those correctional facilities he so designates, a program of work and educational release for those offenders who meet the standards established by department rules and regulations.

2. Each offender on work release shall pay a percentage of his **or her** wages, established by department rules ~~[, to a maximum of]~~ **and not to exceed fifty percent of the wages or** the per capita cost of offender support per month, to the department as maintenance. The money received from the inmate shall be deposited in the inmate fund and shall be expended pursuant to section 217.430. **However, any private entity that employs an offender shall pay no less than the minimum wage under section 290.502.**

3. All offenders in college educational release programs shall be responsible for their own school expenses.

217.437. Performance of free work or work compensated at less than minimum wage for a public or charitable purpose, by any person under the supervision of the department of corrections, shall not be deemed employment within the meaning of the provisions of chapter 288. **No private entity shall benefit from free work or work compensated at less than the minimum wage performed by an offender.** Any county, city, person, organization, or agency

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.

6 charged with the supervision of such free work or who benefits from its performance shall be
7 immune from any suit by the offender or any person deriving a cause of action from him if such
8 cause of action arises from such supervision or performance, except for negligence or an
9 intentional tort.

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 [tø]. **Any private entity that
32 employs an offender shall pay no less than the minimum wage under section 290.502.**

33 **Deductions from wages shall** include room and board; federal, state, and Social Security taxes;
34 and family support. All deductions must not total more than ~~eighty~~ **fifty** percent of gross
35 wages. Provisions of the Fair Labor Standards Act shall apply to contractual offender workers.

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