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Authorizing the Training or Employing of Offenders by Private Organizations.

Colorado General Assembly

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CHAPTER 253

INSTITUTIONS

PENITENTIARY — WORK PROGRAMS

HOUSE BILL NO. 1018. BY REPRESENTATIVES Smith, Howe, Kramer, Arnold, Barragan, Bendelow, Brinton, Brown, Burford, Burns, Burrows, Cantrell, Castro, DeMoulin, Dick, Dittmore, Elliott, Flett, Frank, Friedman, Gaen, Gustafson, Hayes, Hilsmeier, Hogan, Knox, Kopel, McCroskey, Marks, Massari, Müller, Orten, Quinlan, Sears, Spano, Sprague, Strable, Taylor, Traylor, Valdez, Waldow, Webb, Wells, and Witherspoon; also SENATORS Cole, Cisneros, MacMama, McCormick, Stockton, Allshouse, Comer, Cooper, Hatcher, Kadlecik, and Strickland.

AN ACT

AUTHORIZING THE TRAINING OR EMPLOYING OF OFFENDERS BY PRIVATE ORGANIZATIONS.

Be it enacted by the General Assembly of the State of Colorado:

Section 1. 27-20-117, Colorado Revised Statutes 1973, is amended to read:

27-20-117. Labor of offenders — earnings. Every able-bodied ~~convict~~ OFFENDER shall be put to and kept at the work most suitable to his capacity and most advantageous to the people of the state of Colorado, ~~and which may least conflict with the free labor of the said state during his confinement~~ UNLESS OTHERWISE PROVIDED BY SECTION 27-24-109, the earnings of such ~~convict~~ OFFENDER, after deducting a sufficient amount thereof to pay and satisfy the cost of maintenance and retention, shall be given to the family of such ~~convict~~ OFFENDER or dependents, if any, but if there are none, the same shall be accumulated and paid to such ~~convict~~ OFFENDER upon discharge from the state penitentiary.

Section 2. 27-24-101, Colorado Revised Statutes 1973, is amended to read:

27-24-101. Offenders to work. All able-bodied prisoners OFFENDERS at the state penitentiary shall be employed at such productive work as may be assigned to them by the warden of said institution. All goods, wares, or merchandise manufactured, produced, or mined, wholly or in part, by such prisoners OFFENDERS shall be sold, to the extent possible, to the state and its institutions in accordance with the provisions of sections 27-24-105 to 27-24-114. Any surplus of such goods, wares, or merchandise which is not sold to the state or its institutions in such manner may be sold on the open market in the state of Colorado at prevailing market prices. All moneys

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

realized from the sale of any goods, wares, or merchandise manufactured, produced, or mined by such ~~prisoners~~ OFFENDERS shall be used to defray the costs of operating the state penitentiary and to satisfy the costs of maintenance and retention of ~~prisoners~~ OFFENDERS at the state penitentiary. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO GOODS, WARES, OR MERCHANDISE MANUFACTURED, PRODUCED, OR MINED IN A PROGRAM ESTABLISHED PURSUANT TO SECTION 27-24-109.

Section 3. 27-24-103, Colorado Revised Statutes 1973, is amended to read:

27-24-103. Employment of residents. All able-bodied ~~boys~~ RESIDENTS at the Colorado state reformatory and the Lookout Mountain school for boys shall be employed at any productive work assigned to them by the warden and superintendent thereof, respectively. All goods, wares, or merchandise manufactured, produced, or mined, wholly or in part, by such ~~boys~~ RESIDENTS shall be sold, to the extent possible, to the state and its institutions in accordance with the provisions of sections 27-24-105 to 27-24-114. Any surplus of such goods, wares, or merchandise which is not sold to the state or its institutions in such manner may be sold on the open market in the state of Colorado at prevailing market prices. All moneys realized from the sale of any goods, wares, or merchandise manufactured, produced, or mined by such able-bodied ~~boys~~ RESIDENTS shall be used to defray the costs of maintenance and retention of such able-bodied ~~boys~~ RESIDENTS at the respective institutions mentioned in this section. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO GOODS, WARES, OR MERCHANDISE MANUFACTURED, PRODUCED, OR MINED IN A PROGRAM ESTABLISHED PURSUANT TO SECTION 27-24-109.

Section 4. 27-24-109, Colorado Revised Statutes 1973, is amended to read:

27-24-109. Offenders' compensation. (1) Every inmate OFFENDER of the state penitentiary or the Colorado state reformatory who is entitled to trustyship because of good conduct, at the discretion of the warden of the state penitentiary or the warden of the Colorado state reformatory, may receive compensation for the work he performs in the various activities of the institutions. The rate of compensation as applied to all classes of work and to the individual worker shall be determined by the department of institutions after consultation with the respective wardens. The department has the power to make rules and regulations relative to the payment of wages and their disbursements, and there shall always be kept copies of these rules and regulations and the amendments thereto, so that there may be no question at any time about this subject.

(2) THE DEPARTMENT OF INSTITUTIONS, AFTER CONSULTATION WITH THE RESPECTIVE WARDENS, IS AUTHORIZED TO CONTRACT WITH ANY CORPORATION, ASSOCIATION, LABOR ORGANIZATION, OR PRIVATE NONPROFIT ORGANIZATION OR WITH ANY FEDERAL OR STATE AGENCY FOR THE PURPOSE OF TRAINING OR EMPLOYING OFFENDERS WHO HAVE BEEN COMMITTED TO THE DEPARTMENT OF INSTITUTIONS, THE STATE PENITENTIARY, OR THE COLORADO STATE REFORMATORY OR WHO HAVE BEEN ASSIGNED TO A COMMUNITY CORRECTIONS PROGRAM. WHENEVER POSSIBLE ALL SUCH TRAINING REFERRED TO IN THIS SUBSECTION (2) SHALL BE IN ACCORD-

ANCE WITH STANDARDS PROMULGATED BY THE APPRENTICESHIP COUNCIL SECTION OF THE DIVISION OF LABOR OF THE DEPARTMENT OF LABOR AND EMPLOYMENT.

(3) PROCEEDS AND WAGES DUE AN OFFENDER FROM THE SALE OF PRODUCTS PRODUCED BY THE OFFENDER UNDER A PROGRAM AUTHORIZED BY SUBSECTION (2) OF THIS SECTION SHALL BE HELD IN AN ACCOUNT MAINTAINED BY THE DEPARTMENT AND DISTRIBUTED PERIODICALLY FOR:

(a) COMPENSATION OF THE VICTIM OF THE CRIME COMMITTED BY THE OFFENDER IN AN AMOUNT NOT TO EXCEED FIFTY PERCENT OF THE OFFENDER'S WAGES FOR EXPENSES ACTUALLY AND REASONABLY INCURRED AS A RESULT OF THE INJURY TO THE PERSON OR PROPERTY, INCLUDING MEDICAL EXPENSES AND LOSS TO THE VICTIM OF EARNING POWER, AND ANY OTHER PECUNIARY LOSS DIRECTLY RESULTING FROM THE INJURY TO THE PERSON OR PROPERTY OR DEATH OF THE VICTIM, WHICH A COURT OF COMPETENT JURISDICTION DETERMINES TO BE REASONABLE AND PROPER;

(b) PAYMENT OF SUCH AMOUNTS FOR THE SUPPORT OF THE OFFENDER'S DEPENDENTS AS IS DEEMED APPROPRIATE BY THE DEPARTMENT AFTER CONSULTATION WITH THE RESPECTIVE WARDENS;

(c) ESTABLISHMENT OF FUNDS IN TRUST FOR THE OFFENDER UPON HIS RELEASE; EXCEPT THAT SOME AMOUNT SHALL BE ALLOCATED BY THE DEPARTMENT TO THE OFFENDER FOR PERSONAL EXPENSES WHILE SERVING HIS SENTENCE.

(4) A PORTION OF SAID WAGES AND PROCEEDS IN AN AMOUNT DETERMINED BY THE DEPARTMENT, BUT NOT TO EXCEED TWENTY PERCENT, MAY BE USED TO DEFRAY THE COSTS INCIDENT TO THE OFFENDER'S CONFINEMENT.

(5) THE WAGES PAID TO AN OFFENDER SHALL NOT BE LESS THAN THE PREVAILING WAGE FOR WORK OF A SIMILAR NATURE IN THE LOCALITY IN WHICH THE WORK IS PERFORMED. THE PREVAILING RATE ISSUED BY THE DIVISION OF LABOR, AS AMENDED FROM TIME TO TIME, SHALL GOVERN THE WAGE RATES PAID TO OFFENDERS, AND IN THE EVENT OF A DISPUTE OR CHANGE IN THE PREVAILING WAGE RATE, THE PREVAILING WAGE RATE IN EFFECT AT THE TIME THE CONTRACT WAS LET WILL GOVERN.

Section 5. 27-24-115, Colorado Revised Statutes 1973, is amended to read:

27-24-115. Use of offender-made goods. It is unlawful for any person or corporation to use, consume, sell, or store in this state goods, wares, or merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners OFFENDERS in any penal or reformatory institution in this state, but the provisions of this section shall not apply to the use, consumption, sale, or storage of such goods, wares, or merchandise by the state or any political subdivision thereof or by any public institution or agency owned, controlled, or managed by the state or by any political subdivision

thereof, under the provisions of any laws enacted, and the provisions of this section shall not apply to goods, wares, or merchandise manufactured, produced, or mined by ~~convicts or prisoners~~ OFFENDERS on parole or probation. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO GOODS, WARES, OR MERCHANDISE MANUFACTURED, PRODUCED, OR MINED IN A PROGRAM ESTABLISHED PURSUANT TO SECTION 27-24-109.

Section 6. **Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 31, 1975