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AB-628 Prisons: employment of inmates. (2023-2024)

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Assembly Bill No. 628

CHAPTER 54

An act to amend Section 2700 of the Penal Code, relating to prisons.

[Approved by Governor July 02, 2024. Filed with Secretary of State July 02, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 628, Wilson. Prisons: employment of inmates.

The California Constitution prohibits involuntary servitude, but exempts from this provision any servitude that is a punishment for a crime. Existing law requires the Department of Corrections and Rehabilitation (CDCR) to require each able-bodied inmate, including a condemned inmate, to work as prescribed by CDCR regulations. Existing CDCR regulations require each inmate to participate in 8 hours a day of programming, including labor, education, counseling, physical fitness, and other programs, 5 days per week. Under existing CDCR regulations, an inmate who fails to participate as required is subject to a loss of privileges, including the earning of good conduct credit.

Existing law also authorizes a board of supervisors or city council, through an order, to require all persons confined in a county or city jail, industrial farm, or road camp, as specified, to perform labor on the public works or ways in the county or city, respectively, and to engage in the prevention and suppression of forest, brush, and grass fires upon lands within the county or city, respectively.

This bill, contingent upon the passage and approval by the voters of a constitutional amendment that prohibits all involuntary servitude, would require CDCR to develop a voluntary work program and to prescribe rules and regulations regarding work and programming assignments for CDCR inmates, including the wages for work assignments, and would require wages for work assignments in county and city jail programs to be set by local ordinance.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 2700 of the Penal Code is amended to read:

2700. (a) The Department of Corrections and Rehabilitation shall develop a voluntary work program and prescribe the rules and regulations regarding work and programming assignments for individuals incarcerated in facilities operated by the department.

(b) (1) Notwithstanding any state law or local ordinance governing minimum wages, compensation for any work assignment in state prison shall be set by regulations promulgated by the Secretary of the Department of Corrections and Rehabilitation.

(2) Notwithstanding any state law or local ordinance governing minimum wages, compensation for any work assignment in county and city jail programs shall be set by local ordinance.

(c) Whenever by any statute a price is required to be fixed for any services to be performed in connection with the work program of the department, the compensation paid to incarcerated persons shall be included as an item of cost in fixing the final statutory price.

(d) Incarcerated persons not engaged on work programs under the jurisdiction of the Prison Industry Authority, but who are engaged in productive labor outside of such programs may be compensated in like manner. The compensation of those persons shall be paid either out of funds appropriated by the Legislature for that purpose or out of such other funds available to the department for expenditure, as the Director of Finance may direct.

(e) When an incarcerated person escapes, the secretary shall determine what portion of that person's earnings shall be forfeited and the forfeiture shall be deposited in the State Treasury in a fund known as the Inmate Welfare Fund.

SEC. 2. This act shall only become operative upon the passage and subsequent approval by the voters of ACA 8 of the 2023–24 Regular Session, a measure amending Section 6 of Article I of the California Constitution.