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## AB-475 Prisons and jails: employment of inmates. (2025-2026)

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AMENDED IN ASSEMBLY MARCH 10, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

### ASSEMBLY BILL

NO. 475

Introduced by Assembly Member Wilson

February 10, 2025

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

### LEGISLATIVE COUNSEL'S DIGEST

AB 475, as amended, Wilson. Prisons and jails: employment of inmates.

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 would no longer require CDCR to require each able-bodied inmate to work and, instead, would require CDCR to develop a voluntary work program and to prescribe rules and regulations regarding voluntary work 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. *The bill would, on and after January 1, 2027, prohibit CDCR from requiring incarcerated persons, except as specified, to work.* By requiring local authorities to pass a local ordinance to set compensation for county and city jail programs, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

*(2) Except as otherwise provided in Section 2700.1, the department, on and after January 1, 2027, shall not require incarcerated persons to work.*

*(3) Any work performed by an incarcerated person after January 1, 2027, except those persons described in Section 2700.1, shall be through a voluntary work program.*

(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.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.