

## Senate Bill No. 1261

### CHAPTER 116

An act to amend Sections 2816 and 2817 of the Penal Code, to amend Section 10122.5 of the Public Contract Code, and to repeal and add Section 1760.6 of the Welfare and Institutions Code, relating to corrections.

[Approved by Governor July 10, 2008. Filed with  
Secretary of State July 10, 2008.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 1261, Cox. Corrections: inmate and ward labor.

Under existing law, the general manager of the Prison Industry Authority is authorized to order any public works project involving construction, renovation, or repair of prison facilities to be performed by inmate labor, as specified.

This bill would instead authorize the Secretary of the Department of Corrections and Rehabilitation to order any public works project involving construction, renovation, or repair of prison facilities to be performed by inmate labor and juvenile facilities to be performed by ward labor.

Existing law requires any public works project described above that entails the expenditure of greater than specified project limits to be reviewed and approved by the Secretary of the Department of Corrections and Rehabilitation.

The bill would instead require those projects to be reviewed and approved by the chairperson of the Prison Industry Board, in consultation with the board.

Existing law establishes the Inmate Construction Revolving Account, in the Prison Industries Revolving Fund, to receive funds transferred or deposited for the public works projects described above.

This bill would rename that account the Inmate and Ward Construction Revolving Account.

Existing law abolished the Youth Authority and instead established the Department of Corrections and Rehabilitation, which among other divisions, consists of the Division of Juvenile Facilities. Existing law, however, still contains references to the Youth Authority, including provisions specifying that the Director of the Department of the Youth Authority may require wards to provide labor to construct, renovate, or maintain facilities of the Youth Authority, as long as the cost of the project does not exceed a certain amount.

This bill would repeal those provisions and would instead authorize the Department of Corrections and Rehabilitation to provide for the payment of wages to wards for work performed, the sums earned to be paid in reparation, or to the parents or dependents of the ward, or to the ward, in

any manner and in any proportions that the department directs. This bill would also make a technical amendment in a provision relating to the use of day labor by the department.

*The people of the State of California do enact as follows:*

SECTION 1. Section 2816 of the Penal Code is amended to read:

2816. With the approval of the Department of Finance, there shall be transferred to, or deposited in, the Prison Industries Revolving Fund for purposes authorized by this section, money appropriated from any source including sources other than state appropriations.

Notwithstanding subdivision (i) of Section 2808, the Secretary of the Department of Corrections and Rehabilitation may order any authorized public works project involving the construction, renovation, or repair of prison facilities to be performed by inmate labor or juvenile justice facilities to be performed by ward labor, when the total expenditure does not exceed the project limit established by the first paragraph of Section 10108 of the Public Contract Code. Projects entailing expenditure of greater than the project limit established by the first paragraph of Section 10108 of the Public Contract Code shall be reviewed and approved by the chairperson, in consultation with the board.

Money so transferred or deposited shall be available for expenditure by the department for the purposes for which appropriated, contributed or made available, without regard to fiscal years and irrespective of the provisions of Sections 13340 and 16304 of the Government Code. Money transferred or deposited pursuant to this section shall be used only for purposes authorized in this section.

SEC. 2. Section 2817 of the Penal Code is amended to read:

2817. The Inmate and Ward Construction Revolving Account is hereby created in the Prison Industries Revolving Fund, established in Section 2806, to receive funds transferred or deposited for the purposes described in Section 2816.

SEC. 3. Section 10122.5 of the Public Contract Code is amended to read:

10122.5. For the purposes of Section 10122, all day labor utilized by the Department of Corrections and Rehabilitation shall be performed by individuals who are represented by a duly authorized employee representative unless individuals with that qualification are not reasonably available.

SEC. 4. Section 1760.6 of the Welfare and Institutions Code is repealed.

SEC. 5. Section 1760.6 is added to the Welfare and Institutions Code, to read:

1760.6. The department may provide for the payment of wages to wards for work performed pursuant to Section 2816 of the Penal Code, the sums earned to be paid in reparation, or to the parents or dependents of the ward,

or to the ward, in any manner and in any proportions that the department directs.

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