

Senate Study Bill 280

Conference Committee Text

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1 1 Section 1. Section [904.701](#), Code 1995, is amended to read
1 2 as follows:
1 3 904.701 SERVICES REQUIRED – GRATUITOUS ALLOWANCES.
1 4 1. Inmates of the institutions

~~may~~

- shall be required to
1 5 perform

~~any proper and reasonable service~~

- hard labor which is
1 6 suited to

~~their~~

- the inmate's age, gender, physical and mental
1 7 condition, strength, and attainments

~~, for the benefit of the~~

-
1 8

~~institutions or the welfare of the inmates, either~~

- in the
1 9 institutions proper,

~~or~~

- in the industries established in
1 10 connection with

~~them~~

- the institutions, or at such other places

1 11 as may be determined by the director. When an inmate of an
1 12 institution is working outside the institution proper, the
1 13 inmate shall be deemed at all times to be in the actual
1 14 custody of the superintendent of the institution. Inmates
1 15 performing hard labor shall be attired in brightly colored
1 16 uniforms that readily identify them as inmates of correctional
1 17 institutions. The employment of inmates in hard labor shall
1 18 not displace employed workers, shall not be applied to skills,
1 19 crafts, or trades in which a local surplus of labor exists,
1 20 and shall not impair existing contracts for employment or
1 21 services.

1 22 2. The director may when practicable pay the inmate an
1 23 allowance as the director deems proper in view of the
1 24 circumstances, and in view of the cost attending the
1 25 maintenance of the inmate. The allowance is a gratuitous
1 26 payment and is not a wage arising out of an employment
1 27 relationship. The payment shall not exceed the amount paid to
1 28 free labor for a like or equivalent service.

1 29 3. For purposes of this section, "hard labor" means
1 30 physical labor performed by an inmate for at least forty hours
1 31 each week, which may include useful and productive work,
1 32 educational or treatment programs, menial labor,
1 33 any training necessary to perform any work required, and, if
1 34 possible, work providing an inmate with marketable vocational
1 35 skills. "Hard labor" does not include labor that is dangerous

2 1 to an inmate's life or health, unduly painful, or required to
2 2 be performed under conditions that would violate occupational
2 3 safety and health standards applicable to such labor if
2 4 performed by a person who is not an inmate.
2 5 4. Notwithstanding subsection 1, an inmate who has been
2 6 determined by the director to be unsuitable for the
2 7 performance of hard labor due to the inmate's age, gender,
2 8 physical or mental condition, strength, or security risk shall
2 9 not be required to perform hard labor.
2 10 5. The department shall adopt rules to implement this
2 11 section.

2 12 EXPLANATION

2 13 This bill requires all inmates of institutions under the
2 14 control of the department of corrections, who are determined
2 15 to be suitable to perform work, to perform hard labor. Hard
2 16 labor is defined to mean physical labor performed by the
2 17 inmate for at least forty hours each week, which may include
2 18 useful and productive work, chain gangs, menial labor,
2 19 education and treatment programs, and training necessary to
2 20 perform any work required. Hard labor, if possible, is to
2 21 provide the inmate with marketable vocational skills. Hard
2 22 labor is not to include labor which is dangerous to an
2 23 inmate's life or health, which is unduly painful, or which is
2 24 required to be performed under conditions that would violate
2 25 applicable occupational safety and health standards. Inmates
2 26 performing hard labor are to be dressed in brightly colored
2 27 uniforms. Work performed by inmates is not to displace local
2 28 workers or to be in an occupation, craft, or trades in which
2 29 there is a local surplus.

2 30 LSB 2576SC 76

2 31 lh/jw/5