
DIGEST

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HB 730 Original

2024 Regular Session

Mena

Abstract: Creates "The Fairness and Safety for Louisiana Incarcerated Workers Act".

Present law (R.S. 15:711) provides for the work release program for inmates who are housed in a parish jail or prison.

Proposed law amends present law to provide that in accordance with proposed law, it is the intent of the legislature to reduce the deductions made by work release programs from the earnings of incarcerated persons, thereby promoting greater equity and rehabilitation within the correctional system.

Proposed law retains present law in general, but renames a term from "inmate" to "incarcerated individual".

Present law provides that wages of any inmate shall be disbursed by the sheriff for a variety of purposes, with one of these purposes being the board of the inmate inclusive of food, clothing, medical, and dental expenses.

Proposed law amends present law to provide that these expenses shall not exceed 1/3 of the gross pay of the incarcerated individual.

Proposed law shall be known as "The Incarcerated Individuals Workplace Safety Act".

Proposed law defines the terms "incarcerated individual", "transitional work program", and "worker protections".

Proposed law provides that each incarcerated worker and work environment that employs an incarcerated worker shall adhere to the provisions of present law (R.S. 15:832(A)) and meet the minimum safety requirements established by the Occupational Safety and Health Administration ("OSHA").

Proposed law provides that mandatory safety training shall be provided to every incarcerated worker and shall address potential occupational hazards and the correct use of safety equipment prior to the beginning of employment.

Proposed law provides that the DPS&C shall supply necessary protective equipment and gear, tailored to the requirements of the job, to each incarcerated worker at no personal expense.

Proposed law provides that each work environment that employs an incarcerated worker shall be subject to periodic inspections by OSHA.

Proposed law provides that the DPS&C shall establish a Fair Wages Advisory Committee consisting of five people, one of each appointed by the following:

- (1) The secretary of the DPS&C.
- (2) The executive director of the La. Sheriffs' Association.
- (3) The dean of the LSU Law Center.
- (4) The secretary of the La. Workforce Commission.
- (5) The secretary of the La. Economic Development.

Proposed law provides that the committee shall consider factors such as the type of work performed, industry standards, and the local labor market when determining fair wages as well as the fundamental fairness of allowing an incarcerated worker to forego his wages in lieu of credit towards good time parole supervision on his sentence, and make recommendations accordingly.

Proposed law provides that fair wages shall be reviewed and adjusted on a regular basis to ensure that the wages remain fair and equitable.

Proposed law provides that the DPS&C shall do all of the following:

- (1) Promulgate rules and regulations necessary to effectuate proposed law.
- (2) Establish mechanisms for monitoring and enforcing compliance with fair wage requirements.
- (3) Ensure that all correctional facilities, detention centers, and parish jails housing incarcerated individuals serving hard labor sentences within the state comply with the provisions of proposed law.
- (4) Produce an annual report detailing the fair wages provided to incarcerated individuals.
- (5) Make the annual report provided in proposed law available to the public, including the state legislature, through its website and other available means of publication.

Present law (R.S. 15:832) provides for employment opportunities and vocational training for all inmates under the custody of the DPS&C.

Present law provides that inmates may be compensated, within the limits in grades fixed by the secretary of the department, for work performed, including institutional maintenance and attendance at training programs.

Proposed law removes this provision and provides that an incarcerated individual shall be entitled to receive fair wages for his labor, which shall be paid to him in accordance with the rules and regulations established by the DPS&C.

Proposed law retains present law in general, but renames a term from "inmate" to "incarcerated individual".

Proposed law shall be cited and referred to as "The Fairness and Safety for Louisiana Incarcerated Workers Act".

Proposed law provides that the DPS&C shall implement the provisions relative to worker protections and fair wages for incarcerated workers within six months of the effective date of proposed law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 15:711 and 832(A), (B), (C)(intro. para.) and (2), (D), (E), (G), and (H); Adds R.S. 15:748-748.4 and 832(I))