

TITLE 20
STATE PRISON AND COUNTY JAILS

CHAPTER 4
CORRECTIONAL INDUSTRIES ACT

20-401. SHORT TITLE. This act shall be known and cited as the "Correctional Industries Act."

[I.C., sec. 20-401, as added by 1974, ch. 48, sec. 2, p. 1096.]

20-402. CORRECTIONAL INSTITUTION PRODUCTS. The term "correctional institution products" as used in this act, means all services and labor provided, goods, wares and merchandise manufactured or produced wholly or in part, except "hobby-craft" articles, by inmates employed by Idaho state correctional industries.

[I.C., sec. 20-402, as added by 1974, ch. 48, sec. 2, p. 1096.]

20-403. GOVERNING BODY CREATED -- MEMBERS. There is hereby created the governing body which shall consist of the members of the board of correction.

[I.C., sec. 20-403, as added by 1974, ch. 48, sec. 2, p. 1096; am. 1980, ch. 101, sec. 1, p. 221.]

20-404. AUTHORITY AND DUTIES VESTED IN BOARD. The authority and duties herein are vested in the board of correction.

[I.C., sec. 20-404, as added by 1974, ch. 48, sec. 2, p. 1096; am. 1980, ch. 101, sec. 2, p. 221.]

20-405. GOVERNING BODY -- MEETINGS -- QUORUM -- VOTE TO TRANSACT BUSINESS. The board of correction shall be the governing body of correctional industries. The board shall meet at such times and places as may be necessary for the conduct of its business. Meetings may be held at the call of the chairman or a majority of the board, but in no event shall they meet less than quarterly. A majority of the board shall constitute a quorum for the transaction of business and no order of the board shall be valid unless concurred in by at least two (2) of its members.

[I.C., sec. 20-405, as added by 1974, ch. 48, sec. 2, p. 1096; am. 1980, ch. 101, sec. 3, p. 221.]

20-406. COMPENSATION AND EXPENSES. All members shall also receive their actual and necessary expenses of travel and accommodations incurred in attending meetings of the board[,] attending other functions related to correctional industries, and in making investigations, either as a board or individually as members of the board at the request of the chairman.

[I.C., sec. 20-406, as added by 1974, ch. 48, sec. 2, p. 1096; am. 1980, ch. 101, sec. 4, p. 221.]

20-407. JURISDICTION OF BOARD. The jurisdiction of the board of correction may extend to all productive enterprises in the prison facilities.

As used in this chapter, "an enterprise" means an operation, including services and labor, or group of closely related operations within the institution.

At each regular meeting of the board the chairman shall report on the condition of each enterprise.

[I.C., sec. 20-407, as added by 1974, ch. 48, sec. 2, p. 1096; am. 1980, ch. 101, sec. 5, p. 222.]

20-408. DUTIES OF BOARD. The board of correction shall:

(a) Recommend productive enterprises in the penal institutions under the jurisdiction of the department of correction, in such volume and of such kinds as to eliminate unnecessary idleness among the inmates and to provide diversified work activities which will serve as a means of vocational education and rehabilitation, as well as financial support;

(b) Determine the advisability and suitability of establishing, expanding, diminishing, or discontinuing any enterprise;

(c) Hold hearings and make rules for conducting such hearings. The board may, in its discretion, hold public hearings on any subject within its jurisdiction;

(d) Conduct programs of research, education and publicity for correctional industries products;

(e) Secure new markets for correctional industries products;

(f) Enter into such contracts and agreements as may be necessary or advisable pursuant to the provisions of this act;

(g) Appoint and employ all necessary officers, agents and other personnel, including any experts in any correctional industries enterprise pursuit, prescribe their duties and fix their compensation;

(h) Cooperate with any local, state or national organization or agency and to enter into contracts and agreements with such agencies for carrying on and promoting the purposes of this act;

(i) Adopt, rescind, modify and amend all necessary and proper orders, rules and regulations for the exercise of its powers and the performance of its duties herein;

(j) Keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all collections, receipts, deposits, withdrawals, disbursements, paid-outs, moneys, and other financial transactions made and done pursuant to this act. The books, records and accounts shall be open to inspection and audit by the legislative council and the public at all times.

[20-408, added 1974, ch. 48, sec. 2, p. 1096; am. 1980, ch. 101, sec. 6, p. 222; am. 1993, ch. 327, sec. 5, p. 1198; am. 2010, ch. 252, sec. 1, p. 642.]

20-409. PAYMENT OF EXPENSES OF BOARD. The expenses of the board shall be paid from the correctional industries betterment account.

[I.C., sec. 20-409, as added by 1974, ch. 48, sec. 2, p. 1096; am. 1980, ch. 101, sec. 7, p. 223; am. 1983, ch. 223, sec. 2, p. 619.]

20-410. WORK OF INMATES ASSIGNED TO DO CONSERVATION WORK. Inmates may be assigned to do conservation work on a permanent or temporary basis. The board or its designated agent may, at such times as it deems proper and on such terms as it deems wise, enter into contracts or cooperative agreements with any public agency, state or federal, for the performance of conservation projects which are appropriate and under conditions consistent with policies established by the board.

Inmates may be assigned to perform public conservation projects including, but not limited to, forest fire prevention and control, forest

and watershed management, recreational area development, fish and game management, soil conservation and forest watershed revegetation.

[I.C., sec. 20-410, as added by 1974, ch. 48, sec. 2, p. 1096; am. 1980, ch. 101, sec. 8, p. 223.]

20-411. INSURANCE OF PRODUCTS, MATERIALS AND EQUIPMENT -- PAYMENT OF COST OF INSURANCE. The board may, in its discretion, insure any or all products produced at any institution under the jurisdiction of the board of correction, whether the products are finished or unfinished, the materials from which such products are made or to be made, and the equipment necessary for the production thereof, against any and all risks of loss, wherever such products, materials or equipment are located, while in the possession of the institution and while in transit thereto or therefrom, or in storage, in such amounts as the board deems proper. The cost of such insurance shall be paid from the correctional industries betterment account.

[I.C., sec. 20-411, as added by 1974, ch. 48, sec. 2, p. 1096; am. 1980, ch. 101, sec. 9, p. 223; am. 1983, ch. 223, sec. 3, p. 619.]

20-412. COMPENSATION -- AMOUNT -- CREDITING ACCOUNT OF PRISONER -- CIVIL RIGHTS -- PRISONERS NOT EMPLOYEES. Each prisoner, who is engaged in productive work as authorized by this chapter, may receive for his work such compensation as the board shall determine, to be paid out of any funds available in the correctional industries betterment account. Such compensation, if any, shall be in accordance with a graduated schedule based on quantity and quality of work performed and skill required for its performance. Compensation shall be credited to the account of the prisoner, and paid from the correctional industries betterment account.

Nothing in this section or in this act is intended to restore, in whole or in part, the civil rights of any inmate. No inmate who is compensated under this act shall be considered to be an employee of or employed by the state, the board of correction or any private agricultural employer that is a party to a contract for inmate labor pursuant to section 20-413A, Idaho Code. No inmate engaged in productive work as authorized by this chapter shall be entitled to worker's compensation benefits or unemployment compensation under chapter 4 or chapter 13, title 72, Idaho Code, whether on behalf of himself or any other person.

[20-412, added 1974, ch. 48, sec. 2, p. 1096; am. 1980, ch. 101, sec. 10, p. 223; am. 1983, ch. 223, sec. 4, p. 619; am. 2015, ch. 125, sec. 1, p. 318.]

20-413. GOODS AND SERVICES FOR GOVERNMENT, NONPROFIT ORGANIZATIONS, AND PUBLIC USE -- CONTRACTS. The board is hereby authorized and empowered to cause the inmates in the state prison to be employed in the rendering of such services and in the production and manufacture of such articles, materials, and supplies as are now or may hereafter be needed by any public institution or agency of the state or any political subdivision thereof, including but not limited to counties, districts, municipalities, schools, nonprofit organizations, and other public use. The board may cause the inmates to be employed in rendering such services or producing and manufacturing such articles, materials, and supplies as are now or may hereafter be needed for use by the federal government for any department, agency or corporation thereof. The board may contract to sell products manufactured by correctional industries to retail or wholesale establishments within the state. The board or

its designated agent may enter into contracts for the purposes of this article.

The board may contract with other state and federal penal institutions and with out-of-state governmental entities for the production, manufacture, exchange, sale, or purchase of goods, wares and merchandise manufactured or produced wholly or in part by inmates of the Idaho state penitentiary or of any state or federal penal institution.

[I.C., sec. 20-413, as added by 1974, ch. 48, sec. 2, p. 1096; am. 1978, ch. 147, sec. 1, p. 329; am. 1980, ch. 101, sec. 11, p. 224; am. 1981, ch. 155, sec. 1, p. 267.]

20-413A. CONTRACTS FOR AGRICULTURAL LABOR. (1) The board may contract with private agricultural employers as that term is defined in section 44-1601, Idaho Code, for the use of inmate labor in the production, harvesting and processing of perishable agricultural food products as that term is defined in section 6-2002, Idaho Code. The use of inmate labor may not result in the displacement of employed workers within the local region in which the agricultural work is being performed.

(2) The board shall establish by rule factors to be considered by the board prior to entering into such contract including, but not limited to, ensuring that employed workers are not displaced, inmate safety and any security risks and needs. All moneys derived from such contracts shall be deposited into the correctional industries betterment account established in section 20-415, Idaho Code.

(3) Inmates shall be compensated for their services pursuant to section 20-412, Idaho Code. The board shall establish by rule factors to be considered in dispersing inmate earnings. Deductions shall be made for:

- (a) Reducing or offsetting costs of incarceration from the general fund;
- (b) Satisfying court ordered restitution, fines and other legal judgments;
- (c) Providing resources for successful reentry by inmates; and
- (d) Other fees and deductions as deemed necessary by the board.

[20-413A, added 2014, ch. 282, sec. 1, p. 716.]

20-414. DISPOSITION OF PRODUCTS. All articles, materials, and supplies, produced or manufactured under the provisions of this act, shall be solely and exclusively for public or nonprofit organization use and no article, material, or supplies, produced or manufactured under the provisions of this chapter shall ever be sold, supplied, furnished, and exchanged, or given away for any private use or profit, except as allowed by the preceding section. However, by-products and surpluses of agricultural and animal husbandry enterprises may be sold to private persons, at private sale, under rules prescribed by the board of correction.

[I.C., sec. 20-414, as added by 1974, ch. 48, sec. 2, p. 1096; am. 1980, ch. 101, sec. 12, p. 224.]

20-415. CORRECTIONAL INDUSTRIES BETTERMENT ACCOUNT -- TRANSFER OF FUNDS. Funds held by the board of correction on June 30, 1983, in depositories, shall be transferred therefrom by the board of correction, and deposited on July 1, 1983, with the treasurer of the state of Idaho in the correctional industries betterment account which is hereby created in the agency asset fund. All state departments, agencies and offices affected by

such transfer are authorized and directed to enter such transfer on their books, records and accounts.

Pending use, surplus moneys in the account shall be invested by the state treasurer in the same manner as provided under section 67-1210, Idaho Code, with respect to other surplus or idle moneys in the state treasury. Interest earned on the investments shall be returned to the account.

[I.C., sec. 20-415, as added by 1974, ch. 48, sec. 2, p. 1096; am. 1980, ch. 101, sec. 13, p. 225; am. 1983, ch. 223, sec. 5, p. 620.]

20-416. DEPOSIT AND DISPOSITION OF FUNDS AND RECEIPTS. (1) All funds transferred under the provisions of this act and moneys received for sale of goods or services under the provisions of this chapter shall be deposited in the correctional industries betterment account. The board may adopt, rescind, modify and amend regulations not inconsistent with this act and the laws of the state of Idaho related to the deposit or disposition of funds in the correctional industries betterment account. All moneys received under the provisions of this chapter shall be deposited in the account and made available for defraying expenses or repaying indebtedness of the board in carrying out the provisions of this chapter.

(2) All salaries, costs and expenses incurred by the board in performing its duties and exercise of power under this chapter shall be paid out of the correctional industries betterment account.

(3) Subject to the provisions of this act pertaining to annual audit and established accounting procedures, the correctional industries betterment account is exempted from powers and duties of the state purchasing agent, as enumerated in chapter 16, title 67, Idaho Code.

(4) Surplus moneys in the correctional industries betterment account may be expended by the board for the use and benefit of vocational training and educational programs.

[I.C., sec. 20-416, as added by 1974, ch. 48, sec. 2, p. 1096; am. 1980, ch. 101, sec. 15, p. 225; am. 1983, ch. 223, sec. 7, p. 620.]

20-417. MARKING PRODUCTS. Each and every article manufactured under the provisions of this act shall have plainly marked or stamped thereon the words "Idaho Correctional Industries."

[I.C., sec. 20-417, as added by 1974, ch. 48, sec. 2, p. 1096.]

20-418. DETERMINATION OF PRICES. The board shall from time to time determine the price at which such services, articles, materials, and supplies shall be sold.

[I.C., sec. 20-418, as added by 1974, ch. 48, sec. 2, p. 1096; am. 1980, ch. 101, sec. 16, p. 226.]

20-419. ACCOUNT AS CONTINUING APPROPRIATION -- NONREVERSION. All moneys transferred to or hereafter placed in the correctional industries betterment account are hereby perpetually appropriated for the use and purposes specified in this chapter. The correctional industries betterment account or any surplus funds in said account shall not revert to the state general account.

[I.C., sec. 20-419, as added by 1974, ch. 48, sec. 2, p. 1096; am. 1983, ch. 223, sec. 8, p. 621.]