**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3575**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Hixon

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Introduced in the House on January 10, 2023

Currently residing in the House Committee on **Judiciary**

Summary: Remove Dept. of Commerce References from Prison Industries Program

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/15/2022 House Prefiled

 12/15/2022 House Referred to Committee on **Judiciary**

 1/10/2023 House Introduced and read first time (House Journal‑page 217)

 1/10/2023 House Referred to Committee on **Judiciary** (House Journal‑page 217)

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**VERSIONS OF THIS BILL**

[12/15/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3575_20221215.docx)

A bill

to amend the South Carolina Code of Laws by amending Section 24‑1‑290, relating to Employment of inmates through the prison industries program, so as to delete references to the Department of Commerce and to require the department of corrections to maintain a copy of any filed objections.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 24‑1‑290 of the S.C. Code is amended to read:

 Section 24‑1‑290. (A) The Department of Corrections, in conjunction with the Department of Commerce, shall develop and maintain a marketing plan to attract private sector service businesses for the employment of inmates through the prison industries program.

 (B) Prior to entering into new contracts and renewals of existing contracts with private sector service entities that want to hire inmates through the prison industries program, the Department of Corrections must provide public notice of its intention to establish or continue a prison‑based industry at a particular facility and receive certification by the Department of Commerce that an unfair competitive wage disadvantage to the local economy is not created by each new contract for prison labor.

 (1) The public notice required in this subsection must be forwarded to a newspaper of general circulation in the county where the prison‑based industry is or will be located, with a request that it be published at least once a week for two consecutive weeks. The notice must include a description of the work to be performed, the intent to contract for inmate labor, and provide that objections to the proposed hiring of prison labor may be filed with the Department of Commerce within thirty days of the last date that the notice appears.

 (a) The Department of Commerce Corrections must maintain a copy of any objections filed for a period of three years from the date that the objections were received.

 (b) Advertising costs associated with the publication of notice must be borne by the entity seeking to contract for prison labor.

 (2) The certification required by this subsection must be based upon objections to the establishment of a prison‑industry program provided for in item (1).

 (C) No contract may be negotiated or executed prior to forty days after the last date that the notice required by subsection (A) appears. New contracts and renewals of existing contracts between private sector entities and the Department of Corrections must be negotiated in accordance with procedures established jointly by the Department of Commerce and the Department of Corrections. The procedures must be drafted to ensure fairness and consistency in establishing contracts with private sector entities seeking to establish or continue prison‑based operations whenever the wage to be paid is less than the federally established minimum wage.

 (D) The marketing plan and the procedures for negotiating new contracts and contract renewals must be submitted to and approved by the Department of Administration prior to implementation. The Department of Corrections shall annually submit an audit report of the program to the Senate Corrections and Penology Committee and the House Medical, Military, Public and Municipal Affairs Committee. The provisions of the section may not be construed to apply to traditional prison industries as authorized in Section 24‑3‑320.

SECTION 2. This act takes effect upon approval by the Governor.

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