

SENATE No. 1366

The Commonwealth of Massachusetts

PRESENTED BY:

William N. Brownsberger

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing a minimum wage for incarcerated workers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/1/2019</i>
<i>Chynah Tyler</i>	<i>7th Suffolk</i>	<i>2/1/2019</i>

SENATE No. 1366

By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 1366) of William N. Brownsberger, Lindsay N. Sabadosa and Chynah Tyler for legislation to establish a minimum wage for incarcerated workers. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act establishing a minimum wage for incarcerated workers.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 48 of Chapter 127 of the General Laws is amended by deleting the
2 word “section” in line 23 and by inserting after “wages pursuant to the provision of” the words
3 “sections forty-eight A and”.

4 SECTION 2. Section 48A of Chapter 127 of the General Laws, as so appearing, is hereby
5 stricken and the following section is inserted in place thereof:-

6 a) This section applies to all correctional institutions run by the department as well as all
7 county correctional facilities in the Commonwealth.

8 b) This section applies to all employment or work detail performed by the inmate.

9 c) The commissioner, together with the sheriffs of each county, shall establish a system
10 of compensation for inmates of all correctional institutions of the commonwealth and all jails and
11 houses of corrections.

12 1) This compensation shall not be less than \$1.00/hour.

13 2) This minimum wage is subject to an automatic annual inflation-adjustment as
14 measured by the Consumer Price Index used in Massachusetts, which shall readjust on January 1
15 of each year.

16 d) Sixty percent (60%) of all wages earned by the inmate shall be deposited into an
17 interest-bearing account by the superintendent or sheriff as trustee in a bank approved by the
18 state treasurer. These funds shall be paid to the inmate, with the accrued interest, upon her/her
19 release.

20 1) The inmate may submit a written request to the superintendent or sheriff that these
21 funds be put towards the payment of compelling needs, such as, but not limited to, expenses
22 related to family illness or death, legal defense, provision of essential articles of personal use or
23 any other such circumstances of compelling need as determined by the superintendent or sheriff.
24 The request shall be granted unless there is good cause to deny it.

25 e) The remaining forty percent (40%) of the wages shall be available to inmate via their
26 canteen/commissary account, to be used by the inmate during the duration of their incarceration.
27 Any funds remaining in the account at the time of release shall be paid out to the inmate.

28 f) Items sold to inmates via the canteen and/or commissary are capped at a retail price of
29 the wholesale price plus two percent (2%).

30 g) All institutions covered by this act must report annually to the Judiciary Committee
31 regarding the number of inmates who collected a wage through this act, the amount paid in
32 wages, and the hours worked by the inmates.