

I MINA 'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (Second) REGULAR SESSION

Bill No. 232(5)

Introduced by:

J.V. Espaldon

F. ISHIZAKI

A.D. PANTAS

AN ACT TO ADD A NEW §90.50 TO CHAPTER 90, ARTICLE 1 OF TITLE 9, GUAM CODE ANNOTATED, AUTHORIZING THE DEPARTMENT OF CORRECTIONS TO ESTABLISH PRISON INDUSTRIES; TO ADD A NEW §90.55 TO CHAPTER 90, ARTICLE 1 OF TITLE 9, GUAM CODE ANNOTATED TO CREATE THE PRISON INDUSTRIES REVOLVING FUND; AND, TO CITE THIS ACT AS THE “PRISON INDUSTRIES ACT OF 2008”.

1 **BE IT ENACTED BY I MINA BENTE NUEBI NA LIHESLATURAN GUÅHAN:**

2 **Section 1. Legislative Statement of Intent.** *I Liheslaturan Guåhan* recognizes the need
3 for the Department of Corrections to establish prison industries that provide opportunities for its
4 inmates to learn a job skill and earn wages that may be applied to a variety of outstanding debts
5 owed by each inmate. *I Liheslaturan Guåhan* also recognizes that the Department of Corrections
6 needs to be innovative in its approach to securing financial means for the meeting of its mandates by
7 authorizing the receipt of in-kind services and/or a credit for services rendered to other government
8 of Guam entities in lieu of cash payments. This approach may result in an overall decrease in the
9 operating expenses of the government.

10 **Section 2. Prison Industries, established.** A new § 90.50 is added to Chapter 90,
11 **Article 1 of Title 9, Guam Code Annotated.**

12 **“§ 90.50 (a) Prison Industries, established.** The Department of Corrections is hereby
13 authorized to establish such prison industries as may be feasible to provide a means for inmates to
14 receive job training and skills development; to provide opportunities for the earning of wages to be
15 used to pay restitution to victims of crime, and payment of fines and court costs; and, to provide
16 additional means for funding certain recurring expenses of the Department. The Department shall
17 separate and designate each prison industry to be established as occurring ‘within the secured
18 perimeter’ or occurring ‘outside the secured perimeter’. This Act is not meant to replace the
19 activities authorized by Chapter 84 of Article 1, Title 9, Guam Code Annotated, but shall be viewed

1 as authorizing additional activities. This Chapter shall not supersede, nor affect, any programs
2 undertaken pursuant to Chapter 81 of this Title.

3 **(b) Role of Corrections Advisory Council.** The Corrections Advisory Council shall advise
4 the Department on the suitability of any industry to be established, and may assist the Department in
5 other matters relative to the establishment, operation, and maintenance of a chosen industry.

6 **(c) Earnings Formula, established.** Each inmate participating in a prison industry shall
7 have all wages earned subject to this Earnings Formula:

8 (1) Twenty-five percent (25%) to Criminal Injuries Compensation Fund;

9 (2) Twenty-five percent (25%) to payment of court-ordered fines, fees, and
10 restitution. When such court-ordered fines, fees and restitution have been
11 satisfied, this percentage shall be applied to the Prison Industries Revolving
12 Fund;

13 (3) Twenty-five percent (25%) to Prison Industries Revolving Fund;

14 (4) Twenty-five percent (25%) to the inmate's account. Each participating
15 inmate may elect to provide up to Fifteen percent (15%) of the Twenty-five
16 percent (25%) for child and spousal support.

17 **(d) Eligibility to Participate.** The Department shall establish criteria for determining an
18 inmate's eligibility for participation in an established prison industry.

19 **(e) In-kind Contributions and/or Credit for Services Allowed.** The Department is
20 authorized to enter into agreements with other government of Guam entities to receive in-kind
21 contributions and/or a credit for serviced rendered in lieu of cash payments.

22 **(f) Authority to Bid Granted.** Notwithstanding the provisions of §84.10(c) of Chapter 84,
23 Article 1 of Title 9, Guam Code Annotated, the Department may submit its bid for the provision of
24 services to a non-government entity provided, that it includes as a component of its bid the costs for
25 housing, utilities, food, supplies, and any other item that would normally be considered as part of the
26 overhead costs.

27 **Section 3. A new §90.55 is added to Chapter 90, Article 1, Title 9, Guam Code**
28 **Annotated, relative to the creation of the Prison Industries Revolving Fund.**

29 **“§90.55 Prison Industries Revolving Fund (a)** There is hereby created, within the
30 Department of Corrections, a revolving fund called the 'Prison Industries Revolving Fund', which

1 shall be established by the Department of Administration in accordance with the following
2 provisions:

3 (b) All funds collected from §90.50(c) shall be deposited into said Fund.

4 (1) Funds in the Prison Industries Revolving Fund may be used to purchase clothing
5 for prisoners and detainees, foodstuffs for the dining facility, galley catering services
6 and, equipment, medical/dental supplies, prescription and over-the-counter
7 medicines, sanitary/ hygiene supplies, and other pharmaceutical supplies for prisoners
8 and detainees, including payment for prisoner-detainee maintenance costs in any off-
9 island prison or medical institutions, payment for overtime and related personnel
10 costs for personnel specifically assigned to tasks involving Prison Industries.

11 (2) Expenditures from the Fund shall be approved by the Director of Corrections and
12 posted on the Department’s website.

13 (3) A complete and accurate accounting of all money deposited into and withdrawn
14 from such Fund shall be maintained by the Director of Administration.

15 (4) Such accounting shall include and clearly identify the sources and amounts of all
16 funds paid into or withdrawn from said Fund.

17 (c) The Prison Industries Revolving Fund shall be maintained separate and apart from all
18 other funds of the government of Guam.

19 (d) The Fund shall be subject to an annual audit, and its findings shall be posted on the
20 department’s website.”