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# NOVEMBER 1990 BALLOT

## PROPOSITION 139: **Prison Inmate Labor. Tax Credit. Initiative Constitutional Amendment.**

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### **SUMMARY OF KEY PROVISIONS**

This measure amends Section 5, Article XIV of the California Constitution to allow state and local inmates to perform work for private organizations.

State prison and local jail officials would be able to contract with private organizations for the use of inmate labor. State prison contracts would be governed by rules and regulations established by the director of the Department of Corrections, and jail contracts would be governed by local ordinances.

This measure also creates an advisory board within the Department of Corrections to enter into joint venture programs with public and private organizations and businesses to employ inmates. Companies that participate in the program would be allowed to lease property on prison grounds at or below market rates and would be able to sell the products and services produced to the public.

Additionally, the measure establishes provisions regarding inmate wages, tax credits, and the use of inmates to replace striking workers.

Proposition 139 may be amended by the Legislature with a two-thirds roll call vote in each house, or by a statute that becomes effective only when approved by the voters.

### **ANALYSIS OF POLICY IMPACT**

Section 5, Article XIV of the California Constitution prohibits contracting with any private agency for the use of state prison or local jail inmate labor. This amendment was adopted in 1972 to prevent the use of convict labor as slave labor. During the early years of California, convicts were used by railroads and farmers to perform free labor, and in many cases, in dangerous conditions. Proposition 139 would change that policy.

Currently, if inmates produce a product, the product can only be sold to state or local government. With the adoption of this amendment, products and services produced by the programs would be available for sale to the public.

The purpose of this constitutional amendment is to remove these restrictions to allow prisoners to pay part of their upkeep and restitution to their victims. Products and services produced by the programs would be available for sale to the public.

### **BACKGROUND**

Currently, some inmates in state prison and local jails participate in various work programs.

