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H.795

Introduced by Representatives Cina of Burlington, Cole of Hartford, Headrick
of Burlington, Logan of Burlington, Priestley of Bradford, and
Sammis of Castleton

Referred to Committee on

Date:

Subject: Corrections; education; workforce development

Statement of purpose of bill as introduced: This bill proposes to create an
earned allowance program for individuals under the custody of the
Commissioner of Corrections. The earned allowance program permits
individuals to accrue monetary allowances to use towards the cost of
educational advancement, medication costs, housing expenses, and work-
related expenses. To the extent possible, the program shall use a contingency
management approach with a focus on rewards rather than punishment for
compliant behavior and engagement in community-based services. This bill
also proposes to expand correctional workforce development and vocational
training by permitting partnerships with nonprofit and for-profit business to
assist in training with a focus on Vermont's most needed industries, like health
care, construction, and agriculture.

1 An act relating to the creation of an earned allowance program and other
2 workforce development for justice-involved individuals

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 Sec. 1. 28 V.S.A. § 806 is amended to read:

5 § 806. EARNED ALLOWANCES TO INMATES; CREATION OF
6 ACCOUNTS

7 ~~It shall be within the discretion of the Commissioner to authorize the~~
8 ~~payment of allowances, from funds appropriated by the Legislature, to inmates~~
9 ~~of any correctional facility for the purpose of allowing the inmates to purchase~~
10 ~~personal articles and to meet other incidental expenses. The Commissioner~~
11 ~~shall have the authority to establish rules and regulations governing the~~
12 ~~issuance and administration of the allowances.~~

13 (a) On or before September 1, 2025, the Department of Corrections shall
14 file a proposed rule pursuant to 3 V.S.A. § 25 implementing an earned
15 allowance program to become effective on January 1, 2026. The
16 Commissioner shall adopt rules to carry out the provisions of this chapter as an
17 emergency rule and concurrently propose them as a permanent rule. The
18 emergency rule shall be deemed to meet the standard for the adoption of
19 emergency rules pursuant to 3 V.S.A. § 844(a).

20 (b) The earned allowance program implemented pursuant to this section
21 shall comply with the following standards:

1 (1) The program shall be available for all sentenced and detained
2 individuals who meet the requirements pursuant to this section, including those
3 on furlough, probation, and parole. To the extent possible, the program shall
4 use a contingency management approach for participants of the program, with
5 a focus on rewards rather than punishments, for compliance with program
6 requirements.

7 (A) Individuals residing at a correctional facility shall use the
8 program to contribute towards the cost of obtaining a higher education degree
9 or other credential awarded by an accredited institution of higher education.

10 (B) Individuals subject to community supervision shall use the
11 program for educational costs in accordance with subdivision (A) of this
12 subdivision (1); for medication costs; for housing expenses; and for work-
13 related expenses.

14 (i) Individuals who are subject to medication-assisted treatment as
15 part of reentry planning pursuant to subsection 801(d) of this title or drug
16 screenings as a condition of the individual's community supervision, or both,
17 may earn an allowance to assist with medication costs.

18 (ii) An allowance shall be earned for every successful drug
19 screening in an amount determined by the Commissioner, in consultation with
20 the Agency of Human Services and stakeholders with lived experience in the

1 criminal justice system, based on clinical best practices for contingency
2 management.

3 (C) Individuals currently serving a sentence shall be eligible to begin
4 earning an allowance when the earned allowance program becomes effective.

5 (2) Individuals shall earn a monetary allowance for each month during
6 which the individual is not adjudicated of a major disciplinary rule violation.

7 The monetary allowance shall be in an amount determined by the
8 Commissioner, in consultation with the Agency of Human Services and
9 stakeholders with lived experience in the criminal justice system, based on
10 clinical best practices for contingency management. However, the monetary
11 allowance amount shall not be less than the State's minimum wage.

12 (3) An individual who receives postadjudication treatment in a
13 residential setting for a substance use disorder shall earn a monetary allowance
14 for each day that the offender receives the inpatient treatment. The monetary
15 allowance shall be in an amount determined by the Commissioner, in
16 consultation with the Agency of Human Services and stakeholders with lived
17 experience in the criminal justice system, based on clinical best practices for
18 contingency management. However, the monetary allowance amount shall not
19 be less than the State's minimum wage.

20 (4) The Department shall:

1 (A) create checking or savings accounts for all individuals enrolled in
2 the program; and

3 (B) maintain a system that documents and records all allowances
4 earned in each individual's permanent record.

5 (c) It shall be within the discretion of the Commissioner, in consultation
6 with the Agency of Human Services and stakeholders with lived experience in
7 the criminal justice system, to authorize the payment of allowances, from funds
8 appropriated by the General Assembly, to individuals residing at a correctional
9 facility for the purpose of allowing the individual to purchase personal articles
10 and to meet other incidental expenses.

11 Sec. 2. 28 V.S.A. § 751b is amended to read:

12 § 751b. GENERAL PROVISIONS GOVERNING ~~OFFENDER~~ RESIDENT
13 WORK

14 (a) To improve social determinants of health, to return value to
15 communities, to assist victims of crime, to reduce recidivism, to establish good
16 habits of work and responsibility, to promote the vocational training of
17 ~~offenders~~ individuals residing at a correctional facility, to pursue initiatives
18 with private business to enhance ~~offender~~ employment opportunities for
19 residents, to build a strong workforce, and to reduce the cost of operation of
20 the Department of Corrections and of other State agencies, and to foster a
21 vibrant, affordable, and equitable economy ~~offenders~~ residents may be

1 employed in the production and delivery of goods, services, and foodstuffs to
2 communities, to victims of crime, to correctional facilities, to other State
3 agencies, and to other public or private entities authorized by this subchapter.
4 To accomplish these purposes, the Commissioner, in consultation with the
5 Agency of Human Services and other stakeholders with lived experience in the
6 criminal justice system, may establish and maintain industries, farms, and
7 institutional work programs at appropriate correctional facilities or other
8 locations, plus community service work programs throughout the State. The
9 Commissioner, in consultation with the Agency of Human Services and other
10 stakeholders with lived experience in the criminal justice system, shall ensure
11 that residents are trained in the State's most needed vocations and industries,
12 including health care, construction, and agriculture.

13 (b) ~~An offender~~ A resident shall not be required to engage in unreasonable
14 labor or to perform any work for which ~~he or she~~ the resident is declared unfit
15 by a physician employed or retained by the Department.

16 (c) The Commissioner, in consultation with the Agency of Human
17 Services, the Department of Labor, and stakeholders with lived experience in
18 the criminal justice system, shall establish written guidelines based on
19 prevailing wages, hours, and working conditions to governing govern the hours
20 and conditions of ~~offender~~ resident work, and the rates of compensation of
21 ~~offenders~~ residents for employment. Wage payments of ~~offenders~~ residents

1 shall be set aside in a separate fund or checking or savings accounts pursuant
2 to subdivision 806(b)(4)(A) of this title. Not less than half the amount of any
3 wage payments shall be deposited into the checking or savings accounts of
4 residents in an effort to provide economic opportunity and to promote recovery
5 upon reentry into the community. The guidelines of the Department may
6 provide for the making of deductions from wages of ~~offenders~~ residents to
7 defray part or all of the cost of ~~offender~~ resident maintenance or payments to
8 victims of crime. The guidelines may also provide for the setting aside by the
9 Department of a portion of ~~an offender's~~ a resident's wages to enable the
10 ~~offender~~ resident to contribute to the support of ~~his or her~~ the resident's
11 dependents, if any; to make necessary purchases from a commissary; to
12 purchase approved books, instruments, and instruction not supplied by a
13 correctional facility; and to set aside sums to be paid to the ~~offender~~ resident
14 upon release from the custody or supervision of the Commissioner pursuant to
15 section 806 of this title. Any interest that accrues from these wages during the
16 period of such custody of ~~an offender~~ a resident shall be credited to a checking
17 or savings account established pursuant to subdivision 806(b)(4)(A) of this title
18 or any fund maintained by the correctional facility for the welfare of offenders
19 residents.

1 (d) The labor, work product, or time of ~~an offender~~ a resident may be sold,
2 contracted, or hired out by the State with the informed, written consent of the
3 resident and without any coercion of the resident, only:

4 (1) To the federal government.

5 (2) To any state or political subdivision of a state, or to any nonprofit
6 organization that is exempt from federal or state income taxation, subject to
7 federal law, to the laws of the recipient state, and to the rules of the
8 Department, ~~provided that the Commissioner or designee may disapprove any~~
9 ~~future sales of offender produced goods or services to any nonprofit~~
10 ~~organization.~~

11 (3) To any private person or enterprise not involving the provision of the
12 federally authorized Prison Industries Enhancement Program, provided that the
13 Commissioner or designee shall first determine that the ~~offender~~ resident work
14 product in question is not otherwise produced or available within the State.

15 (4) To charitable organizations where the ~~offender~~ resident work
16 product is the handicraft of ~~offenders~~ residents and the Commissioner or
17 designee, in consultation with the Agency of Human Services and stakeholders
18 with lived experience in the criminal justice system, has approved such sales in
19 advance.

20 (5) To political subdivisions of the State, community organizations,
21 private persons, or enterprises when the Governor has authorized the work of

1 ~~offenders residents~~ as necessary and appropriate as a response to a civil
2 emergency.

3 (e) ~~Offender Resident~~ work programs managers shall seek to offset
4 production, service, and related costs from product and service sales; however,
5 this financial objective of offsetting the costs to the Department of servicing
6 and supervising ~~offender resident~~ work programs shall not be pursued to the
7 detriment of accomplishing the purposes of ~~offender resident~~ work programs
8 set out in subsection (a) of this section or to the detriment of private businesses
9 as safeguarded by section 761 of this title.

10 (f) The Department of Corrections shall, in any new initiative involving
11 sales of ~~offender resident~~ work products, seek to use the provisions of the
12 federally authorized Prison Industries Enhancement Program.

13 (g) [Repealed.]

14 (h) The Commissioner, in consultation with the Agency of Human Services
15 and stakeholders with lived experience in the criminal justice system, shall
16 consult and collaborate with the Commissioner of Labor at least annually to
17 seek funding and support for vocational training for ~~offenders residents~~ to help
18 ~~offenders residents~~ achieve a successful transition from the custody of the
19 Commissioner to private life. The Commissioner and the Agency of Human
20 Services shall partner with community nonprofit and for-private industries to
21 provide vocational training. To the extent feasible, any vocational training

1 program for ~~offenders~~ residents shall incorporate the professional training
2 standards applicable to the construction and other trades, and industries,
3 existing in the private sector.

4 Sec. 3. EFFECTIVE DATE

5 This act shall take effect on July 1, 2024.