

SENATE THIRD READING
SB 1371 (Bradford)
As Amended May 19, 2022
Majority vote

SUMMARY

Requires the California Department of Corrections and Rehabilitation (CDCR) to adopt a five-year plan to increase the compensation for incarcerated persons.

Major Provisions

- 1) Requires the Secretary of CDCR to adopt a five-year implementation schedule to increase the compensation for incarcerated persons engaged in work programs.
- 2) Provides that the increase in compensation shall allow an incarcerated individual to do all of the following:
 - a) Afford quarterly packages;
 - b) Maintain family connections, including, but not limited to, the ability to purchase envelopes, stamps, writing paper and writing instruments, and the ability to afford phone calls; and,
 - c) Purchase educational materials.

COMMENTS

According to the Author

"SB 1371 would require the Secretary of the Department of Corrections and Rehabilitation to adopt a five-year implementation schedule to increase the compensation for incarcerated persons engaged in work programs under the jurisdiction of the department. The bill would specify that the increase in compensation is required to adequately allow an incarcerated person to afford quarterly packages, purchase educational materials, and maintain family connections. This bill aims to provide incarcerated people with a fair wage that can help people find financial independence; pay more towards restitution, afford canteen items, have the means to stay in contact with family, and prepare for successful reentry, thereby decreasing recidivism rates and promoting public safety."

Arguments in Support

According to *Initiate Justice*, "In 1851, only a year after receiving statehood, California began using prison labor. Incarcerated workers helped build California's infrastructure, including early roads and highways. Today, California relies heavily on prison labor but pays incarcerated workers unfair and meagerly low wages. In California, roughly 65,000 people in prison work full-time for CDCR and PIA, earning \$0.08 an hour to \$1 per hour, at most \$3.90 per day. CDCR then deducts a mandatory 55% for restitution and administrative fees from a person's pay."

"In California, incarcerated people are on the front lines of helping prevent and contain wildfires, yet they are paid paltry amounts while risking their lives. Incarcerated people help produce over

1,400 different goods and services, including road signs, clothing, cleaning products, license plates, and office furniture, which are in most rooms in the State Capitol. Across California, thousands of incarcerated people work as electricians, carpenters, cooks, orderlies, porters, braille transcribers, silk-screen printers, and many other integral work positions essential to the operations of a state prison.

"These low wage amounts have not risen since the early 1990s, while the price of goods at the canteen keeps growing. Inside prisons, canteen goods are marked up at 65% of the retail price. For example, a soap bar can be upwards of \$ 2.25, toothpaste can cost over \$3.60, and phone calls cost 0.25 cents per minute. Because of the rising costs of goods, a low wage remains a significant burden for incarcerated people to pay for essential items and have the funds to stay in contact with their families.

"Low wage earnings, combined with drastic deductions to pay off other criminal justice debt, leave people exiting prison without financial stability and drastically increases the likelihood that someone will be unable to pay child support, restitution, or any other debt associated with the criminal justice system. 87% of incarcerated people in California enter prison owing an average amount of \$6,000 for restitution. Estimates indicate formerly incarcerated people owe 60% of their income to forms of criminal justice debt. Only 55% of formerly incarcerated individuals reported any earnings during the first year of release. The ability to save and accumulate wealth while in prison would better position incarcerated people during the first year post-release.

"In turn, improved post-release stability would have a significant anti-recidivism, as poverty is a main driver of incarceration — and minimize burden on public safety net resources as well. When formerly incarcerated person can meet their basic needs upon release, they are less likely to rely on welfare services or recidivate. The Joint Venture Program (JVP), which has a higher pay schedule than CDCR, already provides a successful model and framework for this legislation. Those who have been a part of the JVP have a 9% recidivism rate compared to California's 55%.

"Raising wages for incarcerated people would also lessen a lot of burden on Californian families. The Ella Baker Center for Human Rights report found that nearly 65% of families become unable to pay for their basic needs when a household member goes to prison; 70% of those families were raising children. Not only are people unable to provide meaningful financial support while incarcerated due to the currently low wages – the average incarcerated parent can owe \$36,500 in child support – many have to ask family for money to cover basic food, health, and daily needs.

"By providing the opportunity for incarcerated workers to earn higher wages, incarcerated people would be able to afford basic food and hygiene products, purchase quarterly packages, stay in communication with family and purchase educational materials. The five-year implementation schedule makes it feasible to get to a point where incarcerated workers would be able to pay off large amounts of their restitution, along with any fines and fees related to their court proceedings, while having the opportunity to meet their financial responsibilities to their families and prepare for successful reentry – thereby decreasing recidivism rates and promoting public safety."

Arguments in Opposition

None Submitted.

FISCAL COMMENTS

According to the Assembly Appropriations Committee, costs (General Fund (GF)) in the range of \$400 million to \$600 million annually to CDCR to provide compensation sufficient to allow inmates to pay for the items specified in this bill. CDCR based its estimate on the costs of the items specified in the bill, the number of CDCR work assignments and average work hours, and restitution obligations.

CDCR estimates the average costs of a quarterly package to be \$150, or \$600 annually. The maximum canteen draw is \$240 per month, or \$2,880, annually. Phone call rates are \$0.025 minute. CDCR calculates that the average individual conducts phone calls for approximately 13 minutes per day, totaling \$120, annually. Therefore, in order to afford the specific items identified by this bill, a CDCR inmate would need \$3,600 in disposable savings per year. CDCR further notes that restitution withdrawals account for 50% of an incarcerated person's pay, meaning that an incarcerated person who is liable for restitution payments would have to make \$7,200 per year in order to have \$3,600 left over and disposable. It is unknown how many incarcerated persons in the CDCR population have unpaid restitution.

CDCR also reports there are approximately 65,165 work assignments within CDCR. According to the CDCR Department Operations Manual, a minimum work day is 6.5 hours or 32 hours per week over 52 weeks. The vast majority of the 65,615 assignments pay less than \$700 per year. Using conservative estimates, the costs of SB 1371 would be over \$100 million annually. Staff notes that an increase in CDCR wages would likely result in substantial additional revenue being deposited into the Restitution Fund.

VOTES**SENATE FLOOR: 36-2-2**

YES: Allen, Archuleta, Atkins, Becker, Borgeas, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hueso, Hurtado, Kamlager, Laird, Leyva, Limón, McGuire, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk

NO: Bates, Melendez

ABS, ABST OR NV: Hertzberg, Jones

ASM PUBLIC SAFETY: 7-0-0

YES: Jones-Sawyer, Lackey, Mia Bonta, Bryan, Quirk, Santiago, Seyarto

ASM APPROPRIATIONS: 15-1-0

YES: Holden, Bryan, Calderon, Arambula, Megan Dahle, Davies, Mike Fong, Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, McCarty

NO: Bigelow

UPDATED

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