

IC 11-10-6

Chapter 6. General Provisions Concerning Offender Employment

IC 11-10-6-1

Industry and farm product advisory council; establishment; duties; meetings, membership

Sec. 1. (a) There is hereby established an industry and farm product advisory council to assist the department in determining the need for products, the estimated volume or number of units required, pricing policies, and other matters relating to sales or promotion of such products manufactured or produced within the correctional system. The commissioner shall inform the council each year of the estimated number of offenders required to be employed at each institution during the year by the department and the offender work schedules for industry and farm production. With data furnished by the department, the council shall recommend to the commissioner an annual sales and production plan for all industry and farm programs. The council shall study and advise in such other areas or matters as may be referred by the commissioner or the administrator in charge of industry and farm programs.

(b) The council shall meet annually or at such other times as the commissioner considers necessary. The council is composed of the following members:

- (1) the commissioner, who shall be chairman;
- (2) the commissioner of the department of administration;
- (3) the state budget director;
- (4) the administrator in charge of the industry and farm programs, who shall act as secretary of the council; and
- (5) the commissioner, at his discretion, may appoint two (2) persons who are major users of industry and farm products or who represent the general public.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-6-2

Industry and farm programs; establishment and administration; recycling programs

Sec. 2. (a) The department shall establish, maintain, and operate industry and farm programs for offenders designed to equip the participant with a marketable skill which will provide to the participant a means of earning a livelihood upon the participant's return to the community. The department shall appoint an administrator who is the chief executive officer of the industry and farm programs. The commissioner or the administrator in charge of the industry and farm programs shall be responsible for planning, coordination, operation, and employment and supervision of personnel of the industry and farm programs at the correctional institutions. The programs may include:

- (1) the production, manufacture, raising, or processing of any product or item for use or sale by the department;

(2) entering into contractual agreements and other arrangements with other state agencies or political subdivisions for the employment of offenders, including employment involving the conservation and improvement of the natural resources of Indiana or its political subdivisions; and

(3) the employment, to the extent that is practical within the industry and farm programs, of those offenders who have received specialized vocational training by the department.

(b) The department shall examine the feasibility of, and, if reasonably achievable, develop programs for:

(1) the production of products using recycled materials; or

(2) processing waste materials.

As added by Acts 1979, P.L.120, SEC.3. Amended by P.L.10-1990, SEC.10.

IC 11-10-6-3

Duties and opportunities of confined persons

Sec. 3. (a) A confined person may be required to keep his own living quarters clean and orderly.

(b) A confined offender may be required to:

(1) perform general maintenance work and assist in providing other services essential to the administration of the facility or program; and

(2) work in a business, commercial, industrial, or agricultural enterprise operated by the department.

(c) A confined offender may not be denied the opportunity to participate in educational, training, or voluntary employment programs solely because of compulsory work.

(d) If an offender is eligible for an offender reentry administrative account under IC 11-10-15, at least ten percent (10%) and not more than twenty percent (20%) of the offender's gross earnings earned under subsection (b)(2) shall be deposited in the offender's reentry administrative account.

As added by Acts 1979, P.L.120, SEC.3. Amended by P.L.104-2009, SEC.1.

IC 11-10-6-4

Repealed

(Repealed by P.L.49-1997, SEC.86.)

IC 11-10-6-5

Sale of goods in open market

Sec. 5. Goods produced in whole or in part by committed persons in this state may be sold on the open market.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-6-6

Industry and farm products revolving fund; establishment; review; revenues

Sec. 6. The industry and farm products revolving fund is hereby

established. The state budget agency shall annually review the revolving fund for the purpose of determining whether the current level is adequate to meet the expenditures required to sustain offender employment programs, and shall report to the state budget committee its recommendations regarding any changes in the amount of the fund. All revenues derived from the sale of goods produced or manufactured by the department, from the lease of farm land and appurtenances operated by the department's industry and farm program, or from the employment of offenders by other state agencies or political subdivisions shall be paid into the fund to be expended in the manner provided by law.

As added by Acts 1979, P.L.120, SEC.3. Amended by Acts 1980, P.L.88, SEC.1.

IC 11-10-6-7

Industry and farm products revolving fund; request for allocation; records; annual budget

Sec. 7. The department shall:

- (1) request the state budget agency to allocate, as needed, funds from the revolving fund for the cost of operating the department's industry and farm programs for offender employment;
- (2) keep complete records showing all transactions in such a manner as to be able to prepare at the end of each fiscal year, an operating statement for each industry and farm program operated by the department; the department shall also prepare an annual consolidated operating statement for all industry and farm programs; and
- (3) prepare, prior to the beginning of each fiscal year, an annual budget of proposed expenditures for industry and farm programs, including expenditures for offender compensation; this annual budget shall be submitted to the state budget agency for approval, and no expenditure in excess of this approved budget may be made without the approval of the state budget agency.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-6-8

Industry and farm products revolving fund; excess cash assets; remaining cash assets

Sec. 8. Any cash assets in excess of one million five hundred thousand dollars (\$1,500,000) remaining in the industry and farm products revolving fund at the close of any fiscal year shall be paid into a special fund to be used for capital expenditures for the department or support of the industry and farm products revolving fund. The cash assets remaining in the revolving fund at the close of any fiscal year shall include and be limited to all items of cash less the total amount of all accounts payable including all of the unliquidated obligations which appear as a matter of record in the office of the auditor of state.

As added by Acts 1979, P.L.120, SEC.3. Amended by P.L.149-1983, SEC.1.

IC 11-10-6-9

Advances for purchasing materials, supplies, or equipment used in manufacturing or processing goods

Sec. 9. Upon the request of a state department, agency, or institution and with the approval of the state budget agency, funds appropriated to that department, agency, or institution for goods to be furnished by the department of correction may be wholly or partially advanced to the offender employment revolving fund to assist in purchasing materials, supplies, or equipment used in manufacturing or processing those goods.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-6-10

Claims for payment for supplies and services furnished by correctional facilities to programs

Sec. 10. Claims for payment for supplies and services furnished by the correctional facilities to the industry and farm programs during the applicable accounting period in the operation of offender employment programs established in those facilities shall be presented to the department. These claims shall be itemized and, if allowed, shall be paid from the industry and farm products revolving fund. No part of the revolving fund shall be used for the purpose of paying the salaries of employees and offenders, other than those who are engaged in the administration and operation of an industry and farm program.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-6-11

Contract for management of program or activity operated for employment of offenders

Sec. 11. The department may contract with private persons or businesses, or governmental agencies and political subdivisions of the state, for the management of any industry and farm program or activity operated for the employment of offenders.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-6-12

Wage payments and wage claims

Sec. 12. An offender employed in accordance with this chapter is subject to IC 22-2-5-3 and IC 22-2-9-8.

As added by P.L.223-2013, SEC.3.