



This Bill Analysis reflects the contents of the bill as it was presented in committee.

HOUSE BILL 205: Workers' Compensation/Prison Inmates.

2017-2018 General Assembly

Committee: House Judiciary III	Date: March 7, 2017
Introduced by: Reps. McNeill, Zachary	Prepared by: Brad Krehely
Analysis of: First Edition	Committee Co-Counsel

OVERVIEW: House Bill 205 would provide that inmates employed under the Prison Industry Enhancement Program must receive workers' compensation. The act is effective when it becomes law.

CURRENT LAW: Generally, the North Carolina Workers' Compensation Act does not apply to prisoners being worked by the State or any subdivision of the State. There is an exception for prisoners assigned to the Division of Adult Correction of the Department of Public Safety who suffer accidental injury or accidental death arising out of and in the course of the employment, if the prisoner dies or if the results of the injury continues until after the date of the lawful discharge of the prisoner and the injury amounts to a disability. In that case, the discharged prisoner, their dependents, or the next of kin of the discharged prisoner may get workers' compensation by applying to the Industrial Commission. The application must be made within 12 months from the date of the discharge. The maximum compensation to any prisoner or to the dependents or next of kin of any deceased prisoner must not exceed \$30.00 per week, and the period of compensation relates to the date of the discharge, not the date of the accident. The compensation stops if a person who has been awarded compensation is sent to prison for an offense committed after the award.

BILL ANALYSIS: House Bill 205 would provide that inmates employed under the Prison Industry Enforcement Plan must receive workers' compensation.

EFFECTIVE DATE: The act is effective when it becomes law.

BACKGROUND: The Prison Industry Enhancement (PIE) Program is a program established by federal law that allows private commercial employers to employ prison inmates on site at a prison. The prisoners manufacture goods and services that are then sold to the public.

Correction Enterprises runs North Carolina's PIE program. Correction Enterprises was assessed by the contract vendor to the Bureau of Justice Assistance to perform the compliance assessment, the National Correctional Industries Association, and was found to be out of compliance with workers' compensation requirements under 18 U.S.C. 1761 and the 1999 PIECP Guideline. The finding of non-compliance risks program suspension or revocation of certification if State law is not amended.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578