

Date of Hearing: April 30, 2025

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 1144 (McKinnor) – As Amended April 10, 2025

Policy Committee: Public Safety

Vote: 5 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill allows an incarcerated person who is 55 or older, or who has specified physical or mental disabilities, to decide whether to continue working, to reduce the number of hours they work, or to stop working.

FISCAL EFFECT:

- 1) Costs (General Fund) to the California Department of Corrections and Rehabilitation (CDCR) of an unknown but likely significant amount, possibly in the high hundreds of thousands of dollars to low millions annually. CDCR anticipates workload costs to revise its regulatory framework to address the voluntary work options provided by this bill. If a large proportion of the affected incarcerated population chooses to reduce or stop work hours, CDCR may need emergency contract staff to fulfill tasks typically completed by incarcerated workers. If CDCR must continue compensating incarcerated people who elect to stop working under this bill, costs may be significantly higher.
- 2) Possible, likely non-reimbursable costs (local funds) to the counties. If a significant number of people incarcerated in county jails who meet this bill's requirements decrease their work hours or stop working, counties may need to increase pay rates for incarcerated people, hire additional staff, or contract for services currently performed by incarcerated people in county jails.

COMMENTS:

- 1) **Background.** The 13th Amendment of the United States Constitution prohibits slavery and involuntary servitude unless involuntary servitude is imposed as punishment for a crime. The California Constitution contains the same prohibition and the same exception. Accordingly, people incarcerated in prisons and jails in California may be compelled to work. Under CDCR regulations, an incarcerated person who refuses or otherwise fails to complete a work assignment is subject to disciplinary action and prison officials may limit or revoke privileges like visitation, canteen purchases, or access to recreation. Pay scales for most people incarcerated in CDCR facilities range from \$0.16 to \$0.74 per hour. Incarcerated people working in conservation camps and assigned to Prison Industry Authority receive higher wages, though they are still well below the minimum wage for non-incarcerated people in California.

This bill eliminates existing statutory authority for CDCR or a county jail to require an incarcerated person to work if the person is age 55 or older, or if they have a mental or physical disability. Instead, the bill requires CDCR or a county jail to permit such a person to decide whether to continue working, work fewer hours, or stop working. The bill also contemplates continued payment by CDCR of incarcerated people who meet this bill's requirements and choose not to work – the bill specifies a fund source for such payments, but does not provide pay standards or other direction to CDCR about how to compensate incarcerated people who choose to stop working. As of March 2025, there were about 90,700 people in CDCR custody, about 21% of whom are aged 55 or older and about 40% of whom were enrolled in CDCR's Mental Health Services Delivery System. At this time this analysis was prepared, the committee was unable to determine the overlap among these groups.

- 2) **Related Legislation.** AB 475 (Wilson) eliminates mandatory work assignments for most people incarcerated by CDCR and instead requires CDCR to develop a voluntary work program. AB 475 is pending in this committee.

ACA 6 (Wilson) amends the California constitution to prohibit slavery in all forms. ACA 6 is pending referral in the Assembly.

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