

  
*Colorado Legislative Council Staff Fiscal Note***NO FISCAL IMPACT**

---

**Drafting Number:** LLS 10-0491**Date:** February 9, 2010**Prime Sponsor(s):** Rep. McCann  
Sen. Mitchell**Bill Status:** House Judiciary**Fiscal Analyst:** Jessika Shipley (303-866-3528)

---

**TITLE:** CONCERNING THE AVAILABILITY OF WORKERS' COMPENSATION TO JAIL INMATES WHO ARE WORKING FOR A PROGRAM THAT HAS BEEN CERTIFIED BY THE FEDERAL PRISON INDUSTRY ENHANCEMENT CERTIFICATION PROGRAM.**Summary of Legislation**

This bill clarifies that the term "employee," for workers' compensation purposes, includes an inmate of a city, county, or city and county jail who is working, performing services, or participating in a training, rehabilitation, or work release program that is certified by the federal Prison Industry Enhancement Certification Program (PIECP). Public entities are authorized to select one or more worker's compensation insurance methods. Finally, workers' compensation benefits for an injury or occupational disease arising from an inmate's participation in a PIECP-certified program will not be suspended for the period of time during which the inmate is incarcerated. The bill takes effect August 11, 2010, if the General Assembly adjourns on May 12, 2010, as scheduled, and no referendum petition is filed.

**Background**

Under the PIECP, the federal Bureau of Justice Assistance certifies that local or state prison industry programs meet all the necessary requirements to be exempt from federal restrictions on prisoner-made goods in interstate commerce. As a condition of participating in the PIECP, prison industry programs are required to carry workers' compensation insurance for any inmates working in such a program.

**Assessment**

This bill is assessed as having no fiscal impact. Participation in the PIECP is limited to a total of 50 jurisdictions nationwide. Currently, 37 state and 4 county-based certified correctional industry programs (including the state of Colorado) operate in the United States. Only 9 additional programs may be certified by the Bureau of Justice Assistance and it is unlikely that any of those will be housed in Colorado city or county jails. If that were to happen, the city or county where the program was housed would be required to provide workers' compensation coverage for all inmates employed by the program. Such coverage would increase costs for the local government, depending on the total number of jail inmates employed.

**Departments or Groups Contacted**

Colorado Counties, Inc.