Appendix H

Requirement of Purchase of Prison-made Goods by Other Institutions

Though in many states where sale of prison-made goods on the open market is forbidden the marketability of such products to other state institutions is permissible only and depends upon the willingness of those other institutions to purchase, in a majority of states the statutes now require institutions maintained or supported by the state to purchase from the prisons such of their necessities as the latter are able to supply. Though the phrasing of these statutes varies somewhat, they seem in general adequate to furnish a market for a wide variety of trade-skill training in the penitentiaries.

Arkansas. Digest of Stats. (1937) sec. 12667. It is the duty of state institutions “so far as possible” to buy the produce of state penal farms.

California. Penal Code (1941) sec. 2873. All articles authorizedly produced in state prisons must be purchased by the state for public use.

Colorado. 4 Stats. Ann. (1935) ch. 131, sec. 97. The state must buy prison-made goods which are needed.

Idaho. 1 Code Ann. (1932) sec. 20–708; Laws (1941) ch. 120, p. 242. State institutions must buy products of prisons in order to carry out the purpose and intent of the prison labor act.


Indiana. 4 Stats. Ann. (1933) sec. 13–102. “The state, its institutions, except those which produce similar articles, and the political
divisions of the state using such articles as may be produced (in the state prisons, etc.) . . . shall be required to purchase such articles at a price fixed by the board of classifications of industries. . . ."

_Iowa._ Code (1939) sec. 3760 ff. "Boards of supervisors, boards of school directors, city and town councils and commissions, township trustees" as well as state institutions must supply their needs from prison products to the extent available.

_Kansas._ Gen. Stats. Ann. (1935) sec. 76-2514. " . . . The products of the labor which are not used for the women's industrial farm shall be used in other institutions in the state, and a system of bookkeeping shall be had between the various institutions using such products and the industrial farm for women. . . ."

_Kentucky._ Carroll's Stats. (1930) sec. 3828c-5. It is the duty of all state departments to purchase supplies from the prison industries to the extent that they are so available.

_Maryland._ Ann. Code (1939) art. 27, sec. 762 (3). All state institutions receiving at least 50 per cent of their funds from the state must purchase what they need from the board of correction unless notified that the latter cannot furnish the articles required.

_Massachusetts._ 4 Ann. Laws (1933) ch. 127, sec. 53. The commissioner shall, so far as possible, cause such articles and materials as are used in the offices, departments or institutions of the commonwealth and of the several counties, cities, and towns, to be produced by labor of prisoners.

Sec. 57. Articles produced by penal or reformatory institutions must be purchased by state and political subdivisions.

_Michigan._ 3 Comp. Laws (1929) sec. 17636-7. (Mich. Stats. Ann. § 28.1527.) State purchasing agent shall requisition what is needed for state institutions and departments from the prisons, to the extent that the prisons are able to supply what is needed. It is the duty of the prison authorities to produce as much of such needs as possible.

_Minnesota._ 4 Mason's Stats. (1927) sec. 53-18B (19). The commissioner of administration of the state is required to purchase from
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the state penal institutions and other state institutions all articles manufactured by them which are usable by the state.

Missouri. 2 Rev. Stats. (1939) sec. 8990. The state and its political subdivisions are to purchase articles manufactured in penal institutions to the extent needed.

Montana. 5 Rev. Codes (1935) sec. 12447.1. All wearing apparel manufactured at state prison and not required for its own use "shall be sold to the state for use by the state in any of the public institutions owned or managed or controlled by the state." The implication seems to be an obligation on the latter institutions to buy.

Nebraska. Comp. Stats. (1929) sec. 83-957. All agencies of the state are required to purchase articles required by them which are produced or manufactured by convicts.

Sec. 83-136. All license number plates must be manufactured in the state penitentiary or reformatory.

Nevada. 3 Comp. Laws (1929) sec. 7076. Provides for the purchase of products of state institutions by other state institutions and the method of payment.

New Hampshire. Rev. Laws (1942) ch. 464, sec. 33. "No articles or supplies such as are manufactured at the state prison by the labor of convicts shall be purchased from any other source for the state or its departments or institutions unless the superintendent of industries shall first certify that the state prison cannot furnish them."

New Jersey. 1 Rev. Stats. (1937) sec. 30:4-95. State institutions must purchase from state board all articles or supplies manufactured or produced by institutional labor which are needed by them.

New York. 10B McKinney’s Consol. Laws Ann. (1938) sec. 184. Articles needed by state institutions must be purchased, if possible, from penal institutions.

Oklahoma. Stats. (1941) tit. 74, sec. 123a. "All departments, institutions and agencies of this State . . . shall obtain such goods, wares, merchandise or products as they may from time to time require, exclusively from the State Board of Public Affairs . . . ." which establishes industries in penal institutions (sec. 123).

Oregon. 8 Comp. Laws Ann. (1940) sec. 127-1009. Oregon state board of control and the managements of state charitable and
penal institutions "shall jointly annually effect such rules and regulations as may be necessary to carry out the purpose and intent of this act, to wit: the purchase by said institutions of the products to be manufactured in the penal and/or reformatory institutions of this state."

Rhode Island. Gen. Laws (1938) ch. 64, sec. 7. When state purchasing agent or head of any city, department, or institution shall need any goods similar to those manufactured at the prison, he shall requisition the same from the department of public welfare. "If said articles or materials are needed immediately and are not on hand, the said department shall forthwith notify the requisitioner, and he may purchase elsewhere."

South Carolina. 3 Code of Laws (1942) sec. 5892. All license plates and road signs shall be bought by the state highway department from the state penitentiary, and the prices charged "shall be in line with prices heretofore paid private manufacturers."

Sec. 3079-4. All penal institutions shall purchase "all strips, overalls, shirts or any other clothing" from the state penitentiary, at a price not greater than can be bought elsewhere.

South Dakota. Code (1939) sec. 55.1708. The state department must buy license plates and markers from the penitentiary.

Tennessee. Michie's Code Ann. (1938) sec. 12209. "The department of finance and taxation is authorized and directed to contract for and purchase from the department of institutions the requirements of the state of automobile number plates, to be paid for as if purchased from some individual dealer. . . ."

Texas. 17 Vernon's Civil Stats. (1925) art. 6203g. "The Penitentiary System will grow, produce and sell farm products to the various State Institutions at a price not to exceed the lowest bid which the Board of Control may receive from competitive bidders for the various products grown and offered for sale by the Penitentiary System of Texas."

Virginia. Code (1942) sec. 2073a. All departments of the state shall purchase their required articles from the penitentiary, or penitentiary farms unless "the article so produced or manufactured does not meet the reasonable requirements of such department, institution, or agency of the State."
West Virginia. Code Ann. (1937) sec. 2773(g). State required to purchase all products manufactured at the prison.

Federal. 18 U. S. C. A. sec. 744g. "The several Federal departments and independent establishments and all other Government institutions of the United States shall purchase at not to exceed current market prices" such available products of the Federal prisons as they need.