
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 248 **Hearing Date:** June 10, 2025
Author: Bryan
Version: January 15, 2025
Urgency: No **Fiscal:** No
Consultant: SJ

Subject: *County jails: wages*

HISTORY

Source: Legal Services for Prisoners With Children

Prior Legislation: Proposition 6, rejected by the voters, 2024
AB 1810 (Bryan), Ch. 939, Stats. of 2024
AB 1875 (McKinnor), Ch. 56, Stats. of 2024
SB 474 (Becker), Ch. 609, Stats. of 2023
ACA 3 (Kamlager), failed passage on the Senate Floor, 2022
SB 1371 (Bradford), vetoed, 2022
SB 1008 (Becker), Ch. 827, Stats. of 2022
SCR 69 (Bradford), not heard in Assembly Public Safety, 2020
AB 1396 (Craven), Ch. 350, Stats. of 1975
SB 1394 (Fisher), Ch. 1226, Stats. of 1959

Support: A New Way of Life Re-Entry Project; All Above All; All of Us or None; California Attorneys for Criminal Justice; California Public Defenders Association; Center for Employment Opportunities; Communities United for Restorative Youth Justice; County of Los Angeles Board of Supervisors; Courage California; Debt Free Justice California; Disability Rights California; Ella Baker Center for Human Rights; Freedom 4 Youth; Friends Committee on Legislation of California; Greenpeace USA; Initiate Justice; Justice2Jobs Coalition; LA County Public Defenders Union, Local 148; La Defensa; National Employment Law Project; One Fair Wage; Riverside All of Us or None; Smart Justice California; UAW Region 6; Vera Institute of Justice; 1 Individual

Opposition: California State Sheriffs' Association

Assembly Floor Vote: 51 - 12

PURPOSE

The purpose of this bill is to authorize a county board of supervisors to determine the wages for individuals incarcerated in a county jail.

Existing federal law states that neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. (U.S. Const., 13th Amend.)

Existing law prohibits slavery. (Cal. Const., art. I, § 6.)

Existing law prohibits involuntary servitude except to punish crime. (Cal. Const., art. I, § 6.)

Existing law provides that the common jails in the several counties of this state are kept by the sheriffs of the counties in which they are respectively situated, and are used as follows:

- For the detention of persons committed in order to secure their attendance as witnesses in criminal cases;
- For the detention of persons charged with crime and committed for trial;
- For the confinement of persons committed for contempt, or upon civil process, or by other authority of law;
- For the confinement of persons sentenced to imprisonment therein upon a conviction for crime; and,
- For the confinement of persons for a violation of the terms and conditions of their postrelease community supervision. (Pen. Code, § 4000.)

Existing law authorizes a board of supervisors to provide that each individual confined in or committed to a county jail be credited with a sum not to exceed \$2 for each eight hours of work done by the incarcerated person. (Pen. Code, § 4019.3.)

This bill authorizes a county board of supervisors to determine the wages for individuals incarcerated in a county jail.

COMMENTS

1. Need For This Bill

According to the author:

AB 248 will remove the arbitrary and harmful wage cap in place for incarcerated workers throughout our state's jails and allow counties to provide their incarcerated workers with pay they deem equitable.

2. Wages for Workers Incarcerated in County Jail

Under current law, the board of supervisors of a county is authorized to pay a person incarcerated in the county jail up to \$2 for each eight hours of work. (Pen. Code, § 4019.3.) In practice, many counties do not pay incarcerated workers any wages. (Joe Garcia, *'Relic of slavery': California lawmakers are trying again to raise pay for incarcerated workers* (May 19, 2025) available at <[%20explained%20Bryan.>](https://www.calmatters.org/justice/2025/05/incarcerated-worker-pay/#:~:text=Most%20California%20county%20jails%20do,an%20hour%2C)) The same article observed: "Mopping floors, cleaning toilets, preparing and distributing three meals a day for all persons in lockup — sheriffs and jailers treat these essential jobs as privileges bestowed on individuals who choose to trade work for time outside their cells and other perks, such as guaranteed daily showers or extra food." (*Ibid.*)

A prior effort to make changes to the wages of workers incarcerated in the state's prisons was unsuccessful. (See SB 1371 (Bradford) of the 2021-2022 legislative session.) In addition, Proposition 6 would have prohibited involuntary servitude with no exceptions and would have applied to both state prisons and county jails. It was rejected by the voters in November 2024.

This bill eliminates the current \$2 cap per 8 hours of work and instead, authorizes a county board of supervisors to determine the wages for individuals incarcerated in a county jail. Proponents of this bill argue that the wages currently provided, if any, to individuals incarcerated in county jails are so low that these individuals are unable to afford basic hygiene items and food products from the jail commissary, sometimes leading people to go into debt in order to purchase these types of products. Supporters of the bill also assert that low or no wages limit a person's ability to pay restitution, causing many to go into debt.

3. Argument in Support

The LA County Public Defenders Union, Local 148 writes:

This bill would promote dignity, fairness, and financial stability for incarcerated workers in California's counties. Current law...sets a maximum wage of \$2.00 per eight-hour shift for incarcerated workers in the custody of county jails. AB 248 would repeal this maximum wage and would allow counties to set their own wages for incarcerated workers under their jurisdiction. This bill does not require counties to pay wages to incarcerated workers; it simply gives them the authority to do so.

...

Incarcerated workers are workers and deserve to earn monetary wages. Currently, incarcerated workers in county jails do not earn monetary wages in over 90% of California's counties. In most counties, incarcerated workers are provided with sentence credits or other informal "compensation" such as additional recreational time.

Paying fair wages to incarcerated workers has fiscal and non-fiscal benefits for the workers, their families, and society. First, paying incarcerated workers fair wages would allow them to potentially save money while incarcerated and help them to get back on their feet immediately post-release. This would positively impact recidivism rates and, therefore, reincarceration expenditures and crime costs for California. In addition, if incarcerated workers make monetary wage, they can better support family members, children, and other loved ones outside. Finally, paying fair wages to incarcerated workers can improve mental health outcomes, boost morale, and encourage personal agency.

4. Argument in Opposition

According to the California State Sheriffs' Association:

AB 248 would allow the board of supervisors to credit each prisoner with a wage to be determined by the board if the prisoners is confined in or committed to a county jail and performs a work assignment.

AB 248 could create significant fiscal pressure on counties already facing challenging budget times. Counties would likely be forced to consider a substantial new cost when determining if and how to deploy inmate workers. Inmates are already eligible to earn credit toward early release by completing work assignments as well as some form of monetary compensation. AB 248 would create pressure on counties to increase the fiscal recompense provided to inmate workers, thereby potentially limiting the availability of opportunities for work while incarcerated.

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