STATE OF NEW YORK

439--B

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. MYRIE, BAILEY, COMRIE, GONZALEZ, HOYLMAN-SIGAL, JACKSON, KAVANAGH, KRUEGER, RAMOS, RIVERA, SALAZAR, SANDERS, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law, in relation to enacting "the prison wage act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act shall be known and may be cited as "the prison wage act".

§ 2. Subdivision 3 of section 170 of the correction law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

3. Notwithstanding any other provision of law, an incarcerated individual may be permitted to leave the institution under guard to voluntarily perform work for a nonprofit organization**; provided that each incarcerated individual who volunteers to perform work for a nonprofit organization shall be compensated for their labor in accordance with the provisions of subdivision five of section one hundred eighty-seven of this article**. As used in this section, the term "nonprofit organization" means an organization operated exclusively for religious, charitable, or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

§ 3. Subdivision 1 of section 171 of the correction law, as amended by chapter 322 of the laws of 2021, is amended and a new subdivision 3 is added to read as follows:

1. The commissioner and the superintendents and officials of all penitentiaries in the state may [~~cause~~] **permit** incarcerated individuals in

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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the state correctional facilities and such penitentiaries who are physically capable thereof to be employed for not to exceed eight hours of each day other than Sundays and public holidays. Notwithstanding any other provision of this section, however, the commissioner and superintendents of state correctional facilities may employ incarcerated individuals on a volunteer basis on Sundays and public holidays in specialized areas of the facility, including kitchen areas, vehicular garages, rubbish pickup and grounds maintenance, providing, however, that incarcerated individuals so employed shall be allowed an alternative free day within the normal work week.

3. Any incarcerated individual performing labor as described in this section shall be compensated for their labor in accordance with the provisions of subdivision five of section one hundred eighty-seven of this article.

§ 4. Subdivision 7 of section 177 of the correction law, as renumbered by chapter 256 of the laws of 2010, is renumbered subdivision 8 and a new subdivision 7 is added to read as follows:

7. Any incarcerated individual performing labor as described in this section shall be compensated for their labor in accordance with the provisions of subdivision five of section one hundred eighty-seven of this article.

§ 5. Section 178 of the correction law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 178. Participation in work release and other community activities. **1.** Nothing contained in this article shall be construed or applied so as to prohibit private employment of incarcerated individuals in the community under a work release program, or a residential treatment facility program formulated pursuant to any provision of this chapter.

2. Any incarcerated individual who is employed under a work release program or a residential treatment facility program formulated pursuant to any provision of this chapter shall be compensated for their labor in accordance with the provisions of subdivision five of section one hundred eighty-seven of this article.

§ 6. Section 184 of the correction law is amended by adding a new subdivision 3 to read as follows:

3. Any incarcerated individual performing labor as described in this section shall be compensated for such labor in accordance with the provisions of subdivision five of section one hundred eighty-seven of this article.

§ 7. Section 186 of the correction law is amended by adding a new subdivision 5 to read as follows:

5. Any incarcerated individual performing labor as described in this section shall be compensated for such labor in accordance with the provisions of subdivision five of section one hundred eighty-seven of this article.

§ 8. Subdivision 1 of section 187 of the correction law, as amended by chapter 322 of the laws of 2021, is amended and a new subdivision 5 is added to read as follows:

1. Every incarcerated individual confined in a state correctional facility, subject to the rules and regulations of the department of corrections and community supervision, and every incarcerated individual confined in a local correctional facility, in the discretion of the sheriff thereof, [~~may~~] **shall** receive compensation for work performed during [~~his or her~~] imprisonment. Such compensation shall be graded by the department of corrections and community supervision with regard to incarcerated individuals employed in prison industries, based upon the

work performed by such prisoners for prisoners confined in state correctional facilities, and by the sheriffs in all local correctional facilities for incarcerated individuals confined therein.

5. Notwithstanding any provision of law, rule or regulation to the contrary, no incarcerated individual shall be compensated an amount that is less than one-half of the minimum wage established by article nineteen of the labor law for work performed or work for which a wage is paid. As used in this subdivision, "work for which a wage is paid" includes any task assigned to an incarcerated individual for which a wage would have been due except for their status as an incarcerated individual.

§ 9. Subdivisions 2 and 3 of section 200 of the correction law, as amended by chapter 322 of the laws of 2021, are amended to read as follows:

2. In lieu of the system of labor in correctional institutions established by this article, the commissioner [~~may~~] **shall**, in order to facilitate an incarcerated individual's eventual reintegration into society, establish for the incarcerated individuals in [~~one or more state~~] **each** correctional [~~institutions~~] **institution** a system of educational, career and industrial training programs, and of incentive allowances for each such program**, to be entered into by incarcerated individuals in addition to the system of labor established by this article**.

3. For each institution wherein such system is established the commissioner shall prepare, and may at times revise, graded incentive allowance schedules for the incarcerated individuals within each such program based upon the levels of performance and achievement by an incarcerated individual in a program to which [~~he or she has~~] **they have** been assigned. **Notwithstanding any provision of law, rule, or regulation to the contrary, no incarcerated individual shall receive an hourly incentive allowance that is less than one-half of the minimum wage established by article nineteen of the labor law.** Upon the approval of the director of the budget such schedules or revisions thereof may be promulgated.

§ 10. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.