

10061

I N A S S E M B L Y

March 2, 2010

Introduced by M. of A. AUBRY -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to inmate labor for non-profit organizations

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 2-a of section 72 of the correction law, as
2 added by chapter 268 of the laws of 1973, is amended to read as follows:
3 2-a. The commissioner, superintendent, or director of an institution
4 in which an inmate is confined, may permit an inmate, wishing to do so,
5 to leave the institution under guard for the purpose of performing
6 volunteer labor or services when in the public interest upon the threat
7 or occurrence of a natural disaster, including but not limited to flood,
8 earthquake, hurricane, landslide or fire. AN INMATE MAY ALSO BE PERMIT-
9 TED TO LEAVE THE INSTITUTION UNDER GUARD TO VOLUNTARILY PERFORM WORK FOR
10 A NONPROFIT ORGANIZATION PURSUANT TO THIS SUBDIVISION. AS USED IN THIS
11 SUBDIVISION, THE TERM "NONPROFIT ORGANIZATION" MEANS AN ORGANIZATION
12 OPERATED EXCLUSIVELY FOR RELIGIOUS, CHARITABLE, OR EDUCATIONAL PURPOSES,
13 NO PART OF THE NET EARNINGS OF WHICH INURES TO THE BENEFIT OF ANY
14 PRIVATE SHAREHOLDER OR INDIVIDUAL.
15 S 2. Section 170 of the correction law is amended by adding a new
16 subdivision 3 to read as follows:
17 3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN INMATE MAY BE
18 PERMITTED TO LEAVE THE INSTITUTION UNDER GUARD TO VOLUNTARILY PERFORM
19 WORK FOR A NONPROFIT ORGANIZATION. AS USED IN THIS SECTION, THE TERM
20 "NONPROFIT ORGANIZATION" MEANS AN ORGANIZATION OPERATED EXCLUSIVELY FOR
21 RELIGIOUS, CHARITABLE, OR EDUCATIONAL PURPOSES, NO PART OF THE NET EARN-
22 INGS OF WHICH INURES TO THE BENEFIT OF ANY PRIVATE SHAREHOLDER OR INDI-
23 VIDUAL.
24 S 3. Subdivision 6 of section 177 of the correction law, as renumbered
25 by section 1 of part K of chapter 56 of the laws of 2009, is renumbered
26 subdivision 7 and a new subdivision 6 is added to read as follows:
27 6. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN INMATE MAY BE
28 PERMITTED TO LEAVE THE INSTITUTION UNDER GUARD TO VOLUNTARILY PERFORM

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

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1 WORK FOR A NONPROFIT ORGANIZATION. AS USED IN THIS SECTION, THE TERM
2 "NONPROFIT ORGANIZATION" MEANS AN ORGANIZATION OPERATED EXCLUSIVELY FOR
3 RELIGIOUS, CHARITABLE, OR EDUCATIONAL PURPOSES, NO PART OF THE NET EARN-
4 INGS OF WHICH INURES TO THE BENEFIT OF ANY PRIVATE SHAREHOLDER OR INDI-
5 VIDUAL.

6 S 4. Section 500-d of the correction law, as amended by chapter 403 of
7 the laws of 1986, is amended to read as follows:

8 S 500-d. Food and labor. (1) Prisoners detained for trial, and those
9 under sentence, shall be provided with a sufficient quantity of plain
10 but wholesome food, at the expense of the county; such foods shall be
11 purchased in the manner and subject to the regulations provided in
12 section four hundred eight of the county law; but prisoners detained for
13 trial may, at their own expense, and under the direction of the keeper,
14 be supplied with any other proper articles of food.

15 (2) Such keeper shall cause each prisoner committed to his jail for
16 imprisonment under sentence, to be constantly employed at hard labor
17 when practicable, during every day, except Sunday but the Sunday excep-
18 tion shall not apply where a prisoner under sentence of intermittent
19 imprisonment serves less than the five preceding days in the jail and
20 the keeper has adopted an employment program designed especially for
21 intermittent imprisonment, and the board of supervisors of the county,
22 or judge of the county, may prescribe the kind of labor at which such
23 prisoner shall be employed; and the keeper shall account, at least annu-
24 ally, with the board of supervisors of the county, for the proceeds of
25 such labor.

26 (3) Such keeper may, with the consent of the board of supervisors of
27 the county, or the county judge, from time to time, cause such of the
28 convicts under his charge as are capable of hard labor, to be employed
29 outside of the jail in the same, or in an adjoining county, upon such
30 terms as may be agreed upon between the keepers and the officers, or
31 persons, under whose direction such convicts shall be placed, subject to
32 such regulations as the board or judge may prescribe; and the board of
33 supervisors of the several counties are authorized to employ convicts
34 under sentence to confinement in the county jails, in building and
35 repairing penal institutions of the county and in building and repairing
36 the highways in their respective counties or in preparing the materials
37 for such highways for sale to and for the use of the state, counties,
38 towns, villages or cities, and in cutting wood and performing other work
39 which is commonly carried on at a prison camp, and to make rules and
40 regulations for their employment; and the said board of supervisors are
41 hereby authorized to cause money to be raised by taxation for the
42 purpose of furnishing materials and carrying this provision into effect;
43 and the courts of this state are hereby authorized to sentence convicts
44 committed to detention in the county jails to such hard labor as may be
45 provided for them by the boards of supervisors. This section as amended
46 shall not affect a county wholly included within a city. NOTWITHSTAND-
47 ING ANY OTHER PROVISION OF LAW, AN INMATE MAY BE PERMITTED TO LEAVE THE
48 INSTITUTION UNDER GUARD TO VOLUNTARILY PERFORM WORK FOR A NONPROFIT
49 ORGANIZATION PURSUANT TO THIS SUBDIVISION. AS USED IN THIS SECTION, THE
50 TERM "NONPROFIT ORGANIZATION" MEANS AN ORGANIZATION OPERATED EXCLUSIVELY
51 FOR RELIGIOUS, CHARITABLE, OR EDUCATIONAL PURPOSES, NO PART OF THE NET
52 EARNINGS OF WHICH INURES TO THE BENEFIT OF ANY PRIVATE SHAREHOLDER OR
53 INDIVIDUAL.

54 S 5. This act shall take effect immediately.