

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the correction law, in relation to allowing 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 1 of section 170 of the correction law, as  
2 amended by chapter 166 of the laws of 1991, is amended and a new subdi-  
3 vision 3 is added to read as follows:  
4 1. The commissioner [of correctional services] shall not, nor shall  
5 any other authority whatsoever, make any contract by which the labor or  
6 time of any inmate in any state or local correctional facility in this  
7 state, or the product or profit of his work, shall be contracted, let,  
8 farmed out, given or sold to any person, firm, association or corpo-  
9 ration; except that the inmates in [said] SUCH correctional institutions  
10 may work for, and the products of their labor may be disposed of to, the  
11 state or any political subdivision thereof, any public institution owned  
12 or managed and controlled by the state, or any political subdivision  
13 thereof OR ANY NON-PROFIT ORGANIZATION. NO INMATE IN A STATE OR LOCAL  
14 CORRECTIONAL FACILITY WHO DECLINES TO WORK FOR A PARTICULAR RELIGIOUS  
15 ORGANIZATION, AUTHORIZED BY THIS SUBDIVISION TO HAVE INMATES WORK FOR  
16 SUCH ORGANIZATION, SHALL BE DISCIPLINED OR SUFFER ANY DETRIMENTAL TREAT-  
17 MENT, INCLUDING, BUT NOT LIMITED TO, THE LOSS OF GOOD BEHAVIOR ALLOW-  
18 ANCES. AS USED IN THIS SUBDIVISION, THE TERM "NON-PROFIT ORGANIZATION"  
19 MEANS AN ORGANIZATION OPERATED EXCLUSIVELY FOR RELIGIOUS, CHARITABLE, OR  
20 EDUCATIONAL PURPOSES, NO PART OF THE NET EARNINGS OF WHICH INURES TO THE  
21 BENEFIT OF ANY PRIVATE SHAREHOLDER OR INDIVIDUAL.  
22 3. THE COMMISSIONER SHALL SUBMIT AN ANNUAL REPORT TO THE GOVERNOR, THE  
23 TEMPORARY PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE ASSEMBLY, AND

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

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1 EACH COUNTY OF THIS STATE AND THE CITY OF NEW YORK SHALL SUBMIT AN ANNU-  
2 AL REPORT TO THE STATE COMMISSION OF CORRECTION, REGARDING THE NUMBER OF  
3 INMATES WHO HAVE PROVIDED WORK PURSUANT TO SUBDIVISION ONE OF THIS  
4 SECTION, THE AGENCIES, INSTITUTIONS, ORGANIZATIONS AND MUNICIPALITIES  
5 THAT BENEFITED FROM SUCH WORK OR RECEIVED PRODUCTS OF INMATE LABOR, AND  
6 THE NATURE OF THE WORK PERFORMED. THE REPORTS REQUIRED BY THIS SUBDIVI-  
7 SION SHALL BE PRESENTED BY DECEMBER THIRTY-FIRST OF EACH YEAR.

8 S 2. This act shall take effect on the one hundred twentieth day after  
9 it shall have become a law; provided, however, that effective immediate-  
10 ly, the addition, amendment and/or repeal of any rule or regulation  
11 necessary for the implementation of this act on its effective date is  
12 authorized and directed to be made and completed on or before such  
13 effective date.