S T A T E O F N E W Y O R K

77

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:

Section 1. Subdivision 1 of section 170 of the correction law, as amended by chapter 166 of the laws of 1991, is amended and a new subdivision 3 is added to read as follows:

1. The commissioner [of correctional services] shall not, nor shall any other authority whatsoever, make any contract by which the labor or time of any inmate in any state or local correctional facility in this state, or the product or profit of his work, shall be contracted, let, farmed out, given or sold to any person, firm, association or corporation; except that the inmates in [said] SUCH correctional institutions may work for, and the products of their labor may be disposed of to, the state or any political subdivision thereof, any public institution owned or managed and controlled by the state, or any political subdivision thereof OR ANY NON-PROFIT ORGANIZATION. NO INMATE IN A STATE OR LOCAL CORRECTIONAL FACILITY WHO DECLINES TO WORK FOR A PARTICULAR RELIGIOUS ORGANIZATION, AUTHORIZED BY THIS SUBDIVISION TO HAVE INMATES WORK FOR SUCH ORGANIZATION, SHALL BE DISCIPLINED OR SUFFER ANY DETRIMENTAL TREATMENT, INCLUDING, BUT NOT LIMITED TO, THE LOSS OF GOOD BEHAVIOR ALLOWANCES. AS USED IN THIS SUBDIVISION, THE TERM "NON-PROFIT 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. THE COMMISSIONER SHALL SUBMIT AN ANNUAL REPORT TO THE GOVERNOR, THE 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.

LBD01511-01-9

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

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