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

1573

2011-2012 Regular Sessions

I N A S S E M B L Y

January 10, 2011

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

AN ACT to amend the correction law, in relation to child support work programs for county jails

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

Section 1. The correction law is amended by adding a new article 28 to read as follows:

ARTICLE 28

CHILD SUPPORT WORK PROGRAM FOR COUNTY JAILS

SECTION 890. ESTABLISHMENT OF THE CHILD SUPPORT WORK PROGRAM.
891. PROCEDURES.
892. WHEN EMPLOYMENT PROHIBITED.
893. PRISONER NOT AN AGENT OF COUNTY.
894. ANNUAL REPORT.

S 890. ESTABLISHMENT OF THE CHILD SUPPORT WORK PROGRAM. THE SHERIFF, UPON APPROVAL OF THE LEGISLATIVE BODY OF THE COUNTY, SHALL ESTABLISH A CHILD SUPPORT WORK PROGRAM PURSUANT TO WHICH A PRISONER, UNDER A COURT ORDER TO PAY CHILD SUPPORT OR COMBINED CHILD AND SPOUSAL SUPPORT TO A SUPPORT COLLECTION UNIT ON BEHALF OF PERSONS RECEIVING SERVICES UNDER TITLE SIX-A OF ARTICLE THREE OF THE SOCIAL SERVICES LAW, WHO HAS ACCUMULATED SUPPORT ARREARS EQUIVALENT TO OR GREATER THAN THE AMOUNT OF CURRENT SUPPORT DUE FOR A PERIOD OF FOUR MONTHS, AND WHO IS SENTENCED TO AND CONFINED IN ANY COUNTY JAIL UNDER HIS OR HER JURISDICTION, MAY BE GRANTED THE PRIVILEGE OF PERFORMING WORK AT THE JAIL FOR AN AMOUNT OF COMPENSATION THAT SHALL BE PAID TO A SUPPORT COLLECTION UNIT ON BEHALF OF PERSONS RECEIVING SERVICES UNDER TITLE SIX-A OF ARTICLE THREE OF THE SOCIAL SERVICES LAW. FOR PURPOSES OF DETERMINING WHETHER A SUPPORT OBLIGOR HAS ACCUMULATED SUPPORT ARREARS EQUIVALENT TO OR GREATER THAN THE AMOUNT OF CURRENT SUPPORT DUE FOR A PERIOD OF FOUR MONTHS, THE EXISTENCE OF ANY RETROACTIVE SUPPORT SHALL NOT BE INCLUDED IN THE CALCULATION OF

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

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SUPPORT ARREARS PURSUANT TO THIS SECTION; HOWEVER, IF AT LEAST FOUR MONTHS OF SUPPORT ARREARS HAS ACCUMULATED SUBSEQUENT TO THE DATE OF THE COURT ORDER, THE ENTIRE AMOUNT OF ANY RETROACTIVE SUPPORT MAY BE COLLECTED PURSUANT TO THE PROVISIONS OF THIS ARTICLE OR AS OTHERWISE AUTHORIZED BY LAW.

S 891. PROCEDURES. PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE SHERIFF AND APPROVED BY THE DEPARTMENT, ANY PRISONER SENTENCED TO AND CONFINED IN ANY JAIL FOR WHICH THE SHERIFF HAS ESTABLISHED A CHILD SUPPORT WORK PROGRAM PURSUANT TO THIS ARTICLE MAY BE REQUIRED BY THE SHERIFF TO PARTICIPATE IN SUCH PROGRAM. THE SHERIFF SHALL PREPARE A SPECIFIC, WRITTEN CHILD SUPPORT WORK PLAN FOR THE PRISONER WHICH SHALL CONTAIN SUCH TERMS AND CONDITIONS AS SHALL BE DEEMED REASONABLY PROPER AND NECESSARY. THE WORK RELEASE PLAN MAY BE REVOKED, SUSPENDED OR MODIFIED BY THE SHERIFF AT ANY TIME FOR GOOD CAUSE, WITH OR WITHOUT NOTICE TO THE PRISONER.

S 892. WHEN EMPLOYMENT PROHIBITED. (A) NO EMPLOYMENT UNDER THE CHILD SUPPORT WORK PROGRAM FOR ANY PRISONER SHALL BE APPROVED IF IT IS ASCERTAINED BY THE SHERIFF THAT SUCH EMPLOYMENT WILL RESULT IN THE DISPLACEMENT OF EMPLOYED WORKERS, OR BE APPLIED IN SKILLS, CRAFTS OR TRADES IN WHICH THERE IS A SURPLUS OF AVAILABLE LABOR IN THE LOCALITY.

(B) THE STATE DEPARTMENT OF LABOR SHALL EXERCISE THE SAME SUPERVISION OVER CONDITIONS OF EMPLOYMENT FOR PRISONERS PARTICIPATING IN THE CHILD SUPPORT WORK PROGRAM AS SUCH DEPARTMENT DOES OVER CONDITIONS OF EMPLOYMENT FOR FREE PERSONS.

S 893. PRISONER NOT AN AGENT OF COUNTY. NO PRISONER PARTICIPATING IN A CHILD SUPPORT WORK PROGRAM SHALL BE DEEMED AN AGENT, EMPLOYEE OR INVOLUNTARY SERVANT OF THE COUNTY WHILE WORKING WHILE IN CONFINEMENT PURSUANT TO THE TERMS OF ANY CHILD SUPPORT WORK PLAN.

S 894. ANNUAL REPORT. THE SHERIFF SHALL ANNUALLY PREPARE A REPORT OF THE CHILD SUPPORT WORK PROGRAM WHICH SHALL BE TRANSMITTED TO THE LEGISLATURE ON OR BEFORE THE FIRST DAY OF MARCH IN EACH YEAR. SUCH ANNUAL REPORT SHALL INCLUDE A SUMMARY OF THE OPERATIONS AND ACTIVITIES OF THE PROGRAM FOR THE PRECEDING YEAR AND SUCH RECOMMENDATIONS FOR THE IMPROVEMENT OF THE PROGRAM AS THE SHERIFF SHALL DEEM NECESSARY AND PROPER.

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 rules or regulations necessary for the implementation of the foregoing section of this act on its effective date is authorized and directed to be made and completed on or before such effective date.