

508--A

Cal. No. 526

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. MAZIARZ, DeFRANCISCO, NOZZOLIO, RANZENHOFER, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the correction law, in relation to authorizing charges to prisoners of fees to support the operations of the facility where they are incarcerated and requiring the inmates of the facility to assist in the provision of necessary services provided at the facility

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

1 Section 1. Section 500-n of the correction law, as added by chapter
2 907 of the laws of 1984 and renumbered by chapter 604 of the laws of
3 1987, is amended to read as follows:
4 S 500-n. Prisoners; unlawful fees prohibited. 1. [Except] SUBJECT TO
5 THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION: (A) EXCEPT as other-
6 wise provided by law, a sheriff or other person in charge of a correc-
7 tional facility or any person employed at such facility shall not charge
8 a prisoner or other person in custody with any sum of money, or demand
9 or receive from him money or any valuable thing for any drink, food or
10 other thing furnished or provided for such prisoner or person at any
11 correctional facility[.
12 2. A]; (B) A sheriff or other public officer or employee shall not
13 demand or receive from a prisoner or other person, while in his custody,
14 a gratuity or reward, upon any pretense or for any purpose[.
15 3. A]; (C) A sheriff, or other public officer or employee, shall not
16 demand or receive from a prisoner or other person in custody, money or
17 any valuable thing for rent in a jail or any fee, compensation, or

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

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1 reward for the commitment, detaining in custody, release, or discharge
2 of a prisoner, other than the fees expressly allowed therefor by law.
3 2. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION,
4 A SHERIFF OR OTHER PERSON IN CHARGE OF A CORRECTIONAL FACILITY MAY
5 CHARGE REASONABLE AND NECESSARY FEES, AS APPROVED BY THE COMMISSIONER,
6 TO THE INMATES OF THE FACILITY IN ORDER TO SUPPORT THE OPERATIONS OF THE
7 FACILITY, AND MAY REQUIRE THE INMATES OF THE FACILITY TO ASSIST IN THE
8 PROVISION OF NECESSARY SERVICES PROVIDED AT THE FACILITY TO OR FOR THE
9 BENEFIT OF THE INMATES OF THE FACILITY. THE SERVICES PROVIDED BY ANY
10 INMATE SHALL BE DETERMINED WITH REGARD TO THE INMATE'S CONDUCT.
11 3. NOTHING IN THIS SECTION SHALL RESULT IN THE DISPLACEMENT OF ANY
12 EMPLOYEE CURRENTLY EMPLOYED AT A CORRECTIONAL FACILITY OR THE LOSS OF
13 POSITION (INCLUDING PARTIAL DISPLACEMENT SUCH AS REDUCTION IN THE HOURS
14 OF NON-OVERTIME, WAGES OR EMPLOYMENT BENEFITS) OR RESULT IN THE IMPAIR-
15 MENT OF EXISTING CONTRACTS FOR SERVICES OR COLLECTIVE BARGAINING AGREE-
16 MENTS.
17 S 2. This act shall take effect immediately; provided, however, that
18 the amendments to section 500-n of the correction law made by section
19 one of this act shall not affect the repeal of such section and shall be
20 deemed repealed therewith.