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

744--A

Cal. No. 527

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. YOUNG, LARKIN, MAZIARZ, O'MARA, RANZENHOFER, SALAND, 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 employment by not-for-profit organizations and public service projects under the work release program

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

Section 1. Subdivision 3 of section 851 of the correction law, as amended by chapter 60 of the laws of 1994, is amended to read as follows:

3. "Work release program" means a program under which eligible inmates may be granted the privilege of leaving the premises of an institution for a period not exceeding fourteen hours in any day for the purpose of on-the-job training or employment, INCLUDING EMPLOYMENT BY A NOT-FOR-PROFIT ORGANIZATION OR A PUBLIC SERVICE PROJECT, or for any matter necessary to the furtherance of any such purposes. No person shall be released into a work release program unless prior to release such person has a reasonable assurance of a job training program or employment. If after release, such person ceases to be employed or ceases to participate in the training program, the inmate's privilege to participate in such work release program may be revoked in accordance with rules and regulations promulgated by the commissioner.

S 2. Subdivision 3 of section 851 of the correction law, as added by chapter 472 of the laws of 1969, is amended to read as follows:

3. "Work release program" means a program under which eligible inmates may be granted the privilege of leaving the premises of an institution

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

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for the purpose of education, on-the-job training or employment, INCLUDING EMPLOYMENT BY A NOT-FOR-PROFIT ORGANIZATION OR A PUBLIC SERVICE PROJECT.

S 3. The opening paragraph of subdivision 9 of section 855 of the correction law is designated paragraph (a) and a new paragraph (b) is added to read as follows:

(B) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION, AN INMATE MAY REFUSE TO ACCEPT A PROGRAM OF TEMPORARY RELEASE WHICH IS A WORK RELEASE PROGRAM THAT INCLUDES EMPLOYMENT BY A NOT-FOR-PROFIT ORGANIZATION WHEN EMPLOYMENT BY SUCH ORGANIZATION IS CONTRARY TO THE INMATE'S RELIGIOUS OR IDEOLOGICAL BELIEFS. NO SUCH REFUSAL SHALL BE CONSIDERED IN ANY DETERMINATION OF SUCH INMATE'S RIGHT TO PARTICIPATE OR TO CONTINUE TO PARTICIPATE IN A TEMPORARY RELEASE PROGRAM.

S 4. The opening paragraph of subdivision 6 of section 855 of the correction law is designated paragraph (a) and a new paragraph (b) is added to read as follows:

(B) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION, AN INMATE MAY REFUSE TO ACCEPT A WORK RELEASE PROGRAM WHICH INCLUDES EMPLOYMENT BY A NOT-FOR-PROFIT ORGANIZATION WHEN UNEMPLOYMENT BY SUCH ORGANIZATION IS CONTRARY TO THE INMATE'S RELIGIOUS OR IDEOLOGICAL BELIEFS. NO SUCH REFUSAL SHALL BE CONSIDERED IN ANY DETERMINATION OF SUCH INMATE'S RIGHT TO PARTICIPATE OR TO CONTINUE TO PARTICIPATE IN A WORK RELEASE PROGRAM.

S 5. Section 870 of the correction law, as amended by chapter 71 of the laws of 1976, is amended to read as follows:

S 870. Establishment of program. The sheriff, upon approval of the legislative body of the county, may establish a work release program pursuant to which prisoners, sentenced to and confined in any county jail under his jurisdiction, may be granted the privilege of leaving confinement for the purpose of working at gainful employment (INCLUDING EMPLOYMENT BY A NOT-FOR-PROFIT ORGANIZATION OR A PUBLIC SERVICE PROJECT), participating in a privately or publicly sponsored program of vocational training, with or without compensation, or attending an educational institution. The work release program may also include the release from confinement during necessary and reasonable hours for the purpose of caring for the prisoner's family.

S 6. Section 871 of the correction law is amended by adding a new subdivision (e) to read as follows:

(E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A PRISONER MAY REFUSE TO ACCEPT A WORK RELEASE PROGRAM WHICH INCLUDES EMPLOYMENT BY A NOT-FOR-PROFIT ORGANIZATION WHEN EMPLOYMENT BY SUCH ORGANIZATION IS CONTRARY TO THE PRISONER'S RELIGIOUS OR IDEOLOGICAL BELIEFS. NO SUCH REFUSAL SHALL BE CONSIDERED IN ANY DETERMINATION OF SUCH PRISONER'S RIGHT TO PARTICIPATE OR TO CONTINUE TO PARTICIPATE IN A WORK RELEASE PROGRAM.

S 7. This act shall take effect immediately; provided that the amendments to subdivision 3 of section 851 of the correction law, made by section one of this act, shall not affect the expiration and reversion of such section pursuant to chapter 339 of the laws of 1972, as amended, and shall expire therewith, when upon such date section two of this act shall take effect; and provided, further, that the amendments to section 855 of the correction law, made by section three of this act, shall not affect the expiration and reversion of such section pursuant to chapter 339 of the laws of 1972, as amended, and shall expire therewith, when upon such date section four of this act shall take effect.