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

323

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

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

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:

Section 1. Section 500-n of the correction law, as added by chapter 907 of the laws of 1984 and renumbered by chapter 604 of the laws of 1987, is amended to read as follows:

S 500-n. Prisoners; unlawful fees prohibited. 1. [Except] SUBJECT TO THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION: (A) EXCEPT as otherwise provided by law, a sheriff or other person in charge of a correctional facility or any person employed at such facility shall not charge a prisoner or other person in custody with any sum of money, or demand or receive from him money or any valuable thing for any drink, food or other thing furnished or provided for such prisoner or person at any correctional facility[.

2. A]; (B) A sheriff or other public officer or employee shall not demand or receive from a prisoner or other person, while in his custody, a gratuity or reward, upon any pretense or for any purpose[.

3. A]; (C) A sheriff, or other public officer or employee, shall not demand or receive from a prisoner or other person in custody, money or any valuable thing for rent in a jail or any fee, compensation, or reward for the commitment, detaining in custody, release, or discharge of a prisoner, other than the fees expressly allowed therefor by law.

2. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION, A SHERIFF OR OTHER PERSON IN CHARGE OF A CORRECTIONAL FACILITY MAY CHARGE REASONABLE AND NECESSARY FEES, AS APPROVED BY THE COMMISSIONER,

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

LBD00206-01-3

TO THE INMATES OF THE FACILITY IN ORDER TO SUPPORT THE OPERATIONS OF THE FACILITY, AND MAY REQUIRE THE INMATES OF THE FACILITY TO ASSIST IN THE PROVISION OF NECESSARY SERVICES PROVIDED AT THE FACILITY TO OR FOR THE BENEFIT OF THE INMATES OF THE FACILITY. THE SERVICES PROVIDED BY ANY INMATE SHALL BE DETERMINED WITH REGARD TO THE INMATE'S CONDUCT.

3. NOTHING IN THIS SECTION SHALL RESULT IN THE DISPLACEMENT OF ANY EMPLOYEE CURRENTLY EMPLOYED AT A CORRECTIONAL FACILITY OR THE LOSS OF POSITION (INCLUDING PARTIAL DISPLACEMENT SUCH AS REDUCTION IN THE HOURS OF NON-OVERTIME, WAGES OR EMPLOYMENT BENEFITS) OR RESULT IN THE IMPAIRMENT OF EXISTING CONTRACTS FOR SERVICES OR COLLECTIVE BARGAINING AGREEMENTS.

S 2. This act shall take effect immediately; provided, however, that the amendments to section 500-n of the correction law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.