STATE OF NEW YORK

10919

IN ASSEMBLY

August 17, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Epstein) -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the correction law, in relation to inmate labor

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 3 of section 170 of the correction law, as added by chapter 256 of the laws of 2010, is amended and a new subdivision 4 is added to read as follows:

3. Notwithstanding any other provision of law, an inmate may be permitted to leave the institution under guard to voluntarily perform work for a nonprofit organization. As used in this section, the term "nonprofit 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 **the state of New York, the government of the United States or to any state of the United States, or political subdivision thereof, any public corporation or eleemosynary association or corporation funded in whole or in part by any federal, state or local funds or** any private shareholder or individual.

4. (a) No inmate shall be compelled to provide labor against his or her will by actual force, threats of force, threats of punishment, threats of legal coercion or by any scheme, plan or pattern intended to cause the inmate to believe that, if the inmate did not provide such labor, that inmate or another person would suffer physical, emotional or mental harm.

(b) Any inmate alleging a violation of this subdivision shall, within ten years after the acts alleged to have violated this subdivision occurred, have a cause of action in any court of appropriate jurisdiction for damages, including punitive damages, and for injunctive relief and such other remedies as may be appropriate together with all reasonable attorney's fees and costs.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law.

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

LBD17022-01-0