

STATE OF NEW YORK

2448

2021-2022 Regular Sessions

IN ASSEMBLY

January 19, 2021

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

AN ACT to amend the correction law and the state finance law, in relation to the Inmates Responsibility and Fair Wages Act

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

1 Section 1. This act shall be known and may be cited as the "Inmates
2 Responsibility and Fair Wages Act".

3 § 2. Subdivision 3 of section 170 of the correction law, as added by
4 chapter 256 of the laws of 2010, is amended to read as follows:

5 3. Notwithstanding any other provision of law, an inmate may be
6 permitted to leave the institution under guard to voluntarily perform
7 work for a nonprofit organization. An inmate who volunteers to perform
8 work for a nonprofit organization shall be paid a minimum wage of five
9 dollars per hour. The department is authorized to charge the nonprofit
10 organization a reasonable hourly rate for meals and housing of any
11 volunteering prisoners, if applicable. As used in this section, the term
12 "nonprofit organization" means an organization operated exclusively for
13 religious, charitable, or educational purposes, no part of the net earnings
14 of which inures to the benefit of any private shareholder or individual.
15

16 § 3. Section 171 of the correction law is amended by adding a new
17 subdivision 3 to read as follows:

18 3. An inmate shall be paid a minimum wage of five dollars per hour for
19 any labor performed.

20 § 4. Subdivision 7 of section 177 of the correction law, as renumbered
21 by chapter 256 of the laws of 2010, is renumbered subdivision 8 and a
22 new subdivision 7 is added to read as follows:

23 7. An inmate shall be paid a minimum wage of five dollars per hour for
24 any labor performed.

25 § 5. Section 178 of the correction law, as added by chapter 476 of the
26 laws of 1970, is amended to read as follows:

27 § 178. Participation in work release and other community activities.
28 Nothing contained in this article shall be construed or applied so as to

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

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1 prohibit private employment of inmates in the community under a work
2 release program, or a residential treatment facility program formulated
3 pursuant to any provision of this chapter. An inmate participating in a
4 work release program or a residential treatment facility program shall
5 be paid a minimum wage of five dollars per hour.

6 § 6. Section 184 of the correction law is amended by adding a new
7 subdivision 3 to read as follows:

8 3. An inmate who performs work as it is related to the manufacturing
9 and preparing of any article or material at the direction of the depart-
10 ment shall be paid a minimum wage of five dollars per hour.

11 § 7. Section 186 of the correction law is amended by adding a new
12 subdivision 5 to read as follows:

13 5. An inmate who performs any service or manufactures any article or
14 material shall be paid a minimum wage of five dollars per hour.

15 § 8. Section 187 of the correction law is amended by adding two new
16 subdivisions 5 and 6 to read as follows:

17 5. Any compensation paid to an inmate under this article shall be in
18 an amount greater than or equal to five dollars an hour for work
19 performed or work for which a wage is paid including, but not limited
20 to, any task assigned to an inmate for which a wage would have been due
21 except for his or her status as an inmate.

22 6. Up to forty percent of any hourly compensation paid to an inmate
23 may be deposited into the prison inmate fund established under section
24 ninety-nine-ii of the state finance law.

25 § 9. The state finance law is amended by adding a new section 99-ii to
26 read as follows:

27 § 99-ii. Prison inmate fund. 1. There is hereby established in the
28 joint custody of the state comptroller and the department of corrections
29 and community supervision a special fund to be known as the "prison
30 inmate fund".

31 2. The prison inmate fund shall consist of monetary grants, gifts or
32 bequests received by the state for the purposes of the fund, and all
33 other moneys credited or transferred thereto from any other fund or
34 source. Moneys of such fund shall be expended only for supporting prison
35 inmates' families with expenses including, but not limited to, daycare,
36 child support, rent and medical expenses. The amount of moneys a prison
37 inmate's family receives for such expenses shall be greater than or
38 equal to the amount of money contributed to the fund from such prison
39 inmate's compensation under subdivision six of section one hundred
40 eighty-seven of the correction law. Nothing in this section shall
41 prevent the state from soliciting and receiving grants, gifts or
42 bequests for the purposes of such fund and depositing them into the fund
43 according to law.

44 3. Moneys in such fund shall be kept separate from and shall not be
45 commingled with any other moneys in the custody of the comptroller or
46 the department of corrections and community supervision. Any moneys of
47 the fund not required for immediate use may, at the discretion of the
48 comptroller, in consultation with the department of corrections and
49 community supervision, be invested by the comptroller in obligations of
50 the United States or the state, or in obligations the principal and
51 interest on which are guaranteed by the United States or by the state.
52 Any income earned by the investment of such moneys shall be added to and
53 become a part of, and shall be used for the purposes of such fund.

54 § 10. This act shall take effect on the one hundred eightieth day
55 after it shall have become a law.