

STATE OF NEW YORK

3481

2021-2022 Regular Sessions

IN ASSEMBLY

January 27, 2021

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

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:

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

4 3. Notwithstanding any other provision of law, an inmate may be
5 permitted to leave the institution under guard to voluntarily perform
6 work for a nonprofit organization. As used in this section, the term
7 "nonprofit organization" means an organization operated exclusively for
8 religious, charitable, or educational purposes, no part of the net earn-
9 ings of which inures to the benefit of the state of New York, the
10 government of the United States or to any state of the United States, or
11 political subdivision thereof, any public corporation or eleemosynary
12 association or corporation funded in whole or in part by any federal,
13 state or local funds or any private shareholder or individual.

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

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

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

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

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