

STATE OF NEW YORK

2345

2023-2024 Regular Sessions

IN SENATE

January 20, 2023

Introduced by Sens. MYRIE, BAILEY, COMRIE, HOYLMAN-SIGAL, JACKSON, KAVANAGH, KRUEGER, RAMOS, RIVERA, SALAZAR, SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the correction law, in relation to enacting "the prison minimum wage 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 prison
2 minimum wage act".

3 § 2. Subdivision 3 of section 170 of the correction law, as amended by
4 chapter 322 of the laws of 2021, is amended to read as follows:

5 3. Notwithstanding any other provision of law, an incarcerated indi-
6 vidual may be permitted to leave the institution under guard to volun-
7 tarily perform work for a nonprofit organization; provided that each
8 incarcerated individual who volunteers to perform work for a nonprofit
9 organization shall be paid a minimum hourly wage of not less than three
10 dollars. The department shall be entitled to charge the nonprofit organ-
11 ization a reasonable hourly rate for meals and housing of such prison-
12 ers, if any. As used in this section, the term "nonprofit organization"
13 means an organization operated exclusively for religious, charitable, or
14 educational purposes, no part of the net earnings of which inures to the
15 benefit of any private shareholder or individual.

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

18 3. Any incarcerated individual performing labor as described in this
19 section shall be compensated for his or her labor in accordance with the
20 provisions of subdivision five of section one hundred eighty-seven of
21 this article.

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

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

4 7. Any incarcerated individual performing labor as described in this
5 section shall be compensated for his or her labor in accordance with the
6 provisions of subdivision five of section one hundred eighty-seven of
7 this article.

8 § 5. Section 178 of the correction law, as amended by chapter 322 of
9 the laws of 2021, is amended to read as follows:

10 § 178. Participation in work release and other community activities.
11 1. Nothing contained in this article shall be construed or applied so as
12 to prohibit private employment of incarcerated individuals in the commu-
13 nity under a work release program, or a residential treatment facility
14 program formulated pursuant to any provision of this chapter.

15 2. Any incarcerated individual who is employed under a work release
16 program or a residential treatment facility program formulated pursuant
17 to any provision of this chapter shall be compensated for his or her
18 labor in accordance with the provisions of subdivision five of section
19 one hundred eighty-seven of this article.

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

22 3. Any incarcerated individual performing work as described in this
23 section shall be compensated for his or her labor in accordance with the
24 provisions of subdivision five of section one hundred eighty-seven of
25 this article.

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

28 5. Any service performed by an incarcerated individual as described in
29 this section shall be compensated in accordance with the provisions of
30 subdivision five of section one hundred eighty-seven of this article.

31 § 8. Section 187 of the correction law is amended by adding a new
32 subdivision 5 to read as follows:

33 5. Notwithstanding any provision of law, rule or regulation to the
34 contrary, no incarcerated individual shall be compensated an amount that
35 is less than three dollars an hour for work performed or work for which
36 a wage is paid. As used in this subdivision, "work for which a wage is
37 paid" includes any task assigned to an incarcerated individual for which
38 a wage would have been due except for his or her status as an incarcer-
39 ated individual.

40 § 9. This act shall take effect on the one hundred eightieth day after
41 it shall have become a law. Effective immediately the addition, amend-
42 ment and/or repeal of any rule or regulation necessary for the implemen-
43 tation of this act on its effective date are authorized to be made and
44 completed on or before such date.