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:

Section 1. This act shall be known and may be cited as "the prison minimum wage act".

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

3. Notwithstanding any other provision of law, an incarcerated individual may be permitted to leave the institution under guard to voluntarily perform work for a nonprofit organization**; provided that each incarcerated individual who volunteers to perform work for a nonprofit organization shall be paid a minimum hourly wage of not less than three dollars. The department shall be entitled to charge the nonprofit organization a reasonable hourly rate for meals and housing of such prisoners, if any**. 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 any private shareholder or individual.

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

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

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

LBD01349-01-3

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

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

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

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

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

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

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

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

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

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

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

§ 9. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.