STATE OF NEW YORK

467

2023-2024 Regular Sessions

IN SENATE

January 4, 2023

Introduced by Sen. SEPULVEDA -- 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 incarcerated individuals wages

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

Section 1. Section 187 of the correction law is amended by adding a new subdivision 5 to read as follows:

5. Incarcerated individuals shall be compensated for all work and program assignments at a base rate of compensation of one dollar twenty cents to ten dollars per day and shall be given biannual raises for adequate performance in such assignments. An incarcerated individual working in a manufacturing or industrial assignment shall receive compensation of five to ten dollars per day for the duration of the time such incarcerated individual works in such assignment and shall revert to his or her previous rate of compensation once he or she is no longer working in such assignment. Unless an incarcerated individual is leaving such manufacturing or industrial assignment, his or her compensation for performing his or her work or program assignment shall not be decreased if he or she is transferred to a different facility or changes assignments within a facility. The department shall review and adjust the base rate of compensation of incarcerated individuals every five years after the effective date of this subdivision to adjust for cost-of-living increases. A cost-of-living adjustment shall be made if the sum of the annual average changes of the consumer price index for all urban consumers (CPI-U), as published annually by the United States department of labor bureau of labor statistics, is ten percent or greater upon review. Incarcerated individuals who are not able to work or participate in programs because of a medical, mental, cognitive, developmental or physical impairment or condition or who are over the age of

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

LBD01561-01-3

sixty and not participating in a work or program assignment because of age-related infirmity or frailty shall be paid one dollar per day, adjusted every five years for cost of living.

§ 2. This act shall take effect one year after it shall have become a law.