

STATE OF NEW YORK

3596--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 28, 2025

Introduced by M. of A. GIBBS -- read once and referred to the Committee on Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 compensated for their labor in accordance with the
10 provisions of subdivision four of section one hundred eighty-seven of
11 this article. As used in this section, the term "nonprofit organization"
12 means an organization operated exclusively for religious, charitable, or
13 educational purposes, no part of the net earnings of which inures to the
14 benefit of any private shareholder or individual.

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

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

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

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

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1 7. Any incarcerated individual performing labor as described in this
2 section shall be compensated for their labor in accordance with the
3 provisions of subdivision five of section one hundred eighty-seven of
4 this article.

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

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

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

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

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

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

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

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

30 5. Notwithstanding any provision of law, rule or regulation to the
31 contrary, no incarcerated individual shall be compensated an amount that
32 is less than one-half of the minimum wage established by article nine-
33 teen of the labor law for work performed or work for which a wage is
34 paid. As used in this subdivision, "work for which a wage is paid"
35 includes any task assigned to an incarcerated individual for which a
36 wage would have been due except for their status as an incarcerated
37 individual.

38 § 9. Subdivisions 2 and 3 of section 200 of the correction law, as
39 amended by chapter 322 of the laws of 2021, are amended to read as
40 follows:

41 2. In lieu of the system of labor in correctional institutions estab-
42 lished by this article, the commissioner [~~may~~] shall, in order to facil-
43 itate an incarcerated individual's eventual reintegration into society,
44 establish for the incarcerated individuals in one or more state correc-
45 tional institutions a system of educational, career and industrial
46 training programs, and of incentive allowances for each such program.

47 3. For each institution wherein such system is established the commis-
48 sioner shall prepare, and may at times revise, graded incentive allow-
49 ance schedules for the incarcerated individuals within each such program
50 based upon the levels of performance and achievement by an incarcerated
51 individual in a program to which [~~he or she has~~] they have been
52 assigned. Notwithstanding any provision of law, rule, or regulation to
53 the contrary, no incarcerated individual shall receive an hourly incen-
54 tive allowance that is less than one-half of the minimum wage estab-
55 lished by article nineteen of the labor law. Upon the approval of the

1 director of the budget such schedules or revisions thereof may be
2 promulgated.
3 § 10. This act shall take effect on the one hundred eightieth day
4 after it shall have become a law. Effective immediately the addition,
5 amendment and/or repeal of any rule or regulation necessary for the
6 implementation of this act on its effective date are authorized to be
7 made and completed on or before such date.