

# STATE OF NEW YORK

439--B

2025-2026 Regular Sessions

## IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. MYRIE, BAILEY, COMRIE, GONZALEZ, HOYLMAN-SIGAL, JACKSON, KAVANAGH, KRUEGER, RAMOS, RIVERA, SALAZAR, SANDERS, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 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 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 five 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. Subdivision 1 of section 171 of the correction law, as amended by  
16 chapter 322 of the laws of 2021, is amended and a new subdivision 3 is  
17 added to read as follows:  
18 1. The commissioner and the superintendents and officials of all peni-  
19 tentiaries in the state may [~~cause~~] permit incarcerated individuals in

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

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1 the state correctional facilities and such penitentiaries who are phys-  
2 ically capable thereof to be employed for not to exceed eight hours of  
3 each day other than Sundays and public holidays. Notwithstanding any  
4 other provision of this section, however, the commissioner and super-  
5 intendents of state correctional facilities may employ incarcerated  
6 individuals on a volunteer basis on Sundays and public holidays in  
7 specialized areas of the facility, including kitchen areas, vehicular  
8 garages, rubbish pickup and grounds maintenance, providing, however,  
9 that incarcerated individuals so employed shall be allowed an alterna-  
10 tive free day within the normal work week.

11 3. Any incarcerated individual performing labor as described in this  
12 section shall be compensated for their labor in accordance with the  
13 provisions of subdivision five of section one hundred eighty-seven of  
14 this article.

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

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

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

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

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

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

36 3. Any incarcerated individual performing labor as described in this  
37 section shall be compensated for such labor in accordance with the  
38 provisions of subdivision five of section one hundred eighty-seven of  
39 this article.

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

42 5. Any incarcerated individual performing labor as described in this  
43 section shall be compensated for such labor in accordance with the  
44 provisions of subdivision five of section one hundred eighty-seven of  
45 this article.

46 § 8. Subdivision 1 of section 187 of the correction law, as amended by  
47 chapter 322 of the laws of 2021, is amended and a new subdivision 5 is  
48 added to read as follows:

49 1. Every incarcerated individual confined in a state correctional  
50 facility, subject to the rules and regulations of the department of  
51 corrections and community supervision, and every incarcerated individual  
52 confined in a local correctional facility, in the discretion of the  
53 sheriff thereof, ~~may~~ shall receive compensation for work performed  
54 during ~~his or her~~ imprisonment. Such compensation shall be graded by  
55 the department of corrections and community supervision with regard to  
56 incarcerated individuals employed in prison industries, based upon the

1 work performed by such prisoners for prisoners confined in state correc-  
2 tional facilities, and by the sheriffs in all local correctional facili-  
3 ties for incarcerated individuals confined therein.

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

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

15 2. In lieu of the system of labor in correctional institutions estab-  
16 lished by this article, the commissioner [~~may~~] shall, in order to facil-  
17 itate an incarcerated individual's eventual reintegration into society,  
18 establish for the incarcerated individuals in [~~one or more state~~] each  
19 correctional [~~institutions~~] institution a system of educational, career  
20 and industrial training programs, and of incentive allowances for each  
21 such program, to be entered into by incarcerated individuals in addition  
22 to the system of labor established by this article.

23 3. For each institution wherein such system is established the commis-  
24 sioner shall prepare, and may at times revise, graded incentive allow-  
25 ance schedules for the incarcerated individuals within each such program  
26 based upon the levels of performance and achievement by an incarcerated  
27 individual in a program to which [~~he or she has~~] they have been  
28 assigned. Notwithstanding any provision of law, rule, or regulation to  
29 the contrary, no incarcerated individual shall receive an hourly incen-  
30 tive allowance that is less than one-half of the minimum wage estab-  
31 lished by article nineteen of the labor law. Upon the approval of the  
32 director of the budget such schedules or revisions thereof may be  
33 promulgated.

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