

STATE OF NEW YORK

4349

2025-2026 Regular Sessions

IN ASSEMBLY

February 4, 2025

Introduced by M. of A. HYNDMAN -- read once and referred to the Committee on Correction

AN ACT to amend the correction law and the state finance law, in relation to the Incarcerated Individuals Responsibility and Fair Wages 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 "Incarcerated
2 ated Individuals Responsibility and Fair Wages 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. An incarcerated indi-
8 vidual who volunteers to perform work for a nonprofit organization shall
9 be paid a minimum wage of five dollars per hour. The department is
10 authorized to charge the nonprofit organization a reasonable hourly rate
11 for meals and housing of any volunteering prisoners, if applicable. As
12 used in this section, the term "nonprofit organization" means an organ-
13 ization operated exclusively for religious, charitable, or educational
14 purposes, no part of the net earnings of which inures to the benefit of
15 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. An incarcerated individual shall be paid a minimum wage of five
19 dollars per hour for any labor performed.

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

23 7. An incarcerated individual shall be paid a minimum wage of five
24 dollars per hour for any labor performed.

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

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

3 § 178. Participation in work release and other community activities.
4 Nothing contained in this article shall be construed or applied so as to
5 prohibit private employment of incarcerated individuals in the community
6 under a work release program, or a residential treatment facility
7 program formulated pursuant to any provision of this chapter. An incar-
8 cerated individual participating in a work release program or a residen-
9 tial treatment facility program shall be paid a minimum wage of five
10 dollars per hour.

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

13 3. An incarcerated individual who performs work as it is related to
14 the manufacturing and preparing of any article or material at the direc-
15 tion of the department shall be paid a minimum wage of five dollars per
16 hour.

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

19 5. An incarcerated individual who performs any service or manufactures
20 any article or material shall be paid a minimum wage of five dollars per
21 hour.

22 § 8. Section 187 of the correction law is amended by adding two new
23 subdivisions 5 and 6 to read as follows:

24 5. Any compensation paid to an incarcerated individual under this
25 article shall be in an amount greater than or equal to five dollars an
26 hour for work performed or work for which a wage is paid including, but
27 not limited to, any task assigned to an incarcerated individual for
28 which a wage would have been due except for their status as an incarcer-
29 ated individual.

30 6. Up to forty percent of any hourly compensation paid to an incarcer-
31 ated individual may be deposited into the prison incarcerated individual
32 fund established under section ninety-nine-ss of the state finance law.

33 § 9. The state finance law is amended by adding a new section 99-ss to
34 read as follows:

35 § 99-ss. Prison incarcerated individual fund. 1. There is hereby
36 established in the joint custody of the state comptroller and the
37 department of corrections and community supervision a special fund to be
38 known as the "prison incarcerated individual fund".

39 2. The prison incarcerated individual fund shall consist of monetary
40 grants, gifts or bequests received by the state for the purposes of the
41 fund, and all other moneys credited or transferred thereto from any
42 other fund or source. Moneys of such fund shall be expended only for
43 supporting prison incarcerated individuals' families with expenses
44 including, but not limited to, daycare, child support, rent and medical
45 expenses. The amount of moneys a prison incarcerated individual's family
46 receives for such expenses shall be greater than or equal to the amount
47 of money contributed to the fund from such prison incarcerated individ-
48 ual's compensation under subdivision six of section one hundred eighty-
49 seven of the correction law. Nothing in this section shall prevent the
50 state from soliciting and receiving grants, gifts or bequests for the
51 purposes of such fund and depositing them into the fund according to
52 law.

53 3. Moneys in such fund shall be kept separate from and shall not be
54 commingled with any other moneys in the custody of the comptroller or
55 the department of corrections and community supervision. Any moneys of
56 the fund not required for immediate use may, at the discretion of the

1 comptroller, in consultation with the department of corrections and
2 community supervision, be invested by the comptroller in obligations of
3 the United States or the state, or in obligations the principal and
4 interest on which are guaranteed by the United States or by the state.
5 Any income earned by the investment of such moneys shall be added to and
6 become a part of, and shall be used for the purposes of such fund.

7 § 10. This act shall take effect on the one hundred eightieth day
8 after it shall have become a law.