

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR LORIGO**

Re: Opposition to Higher Minimum Wage for NY Inmates

WHEREAS, the Prison Minimum Wage Act, S3138/A1275 (2019), proposes to raise minimum wage for prisoners to \$3.00 an hour, which would be more than triple the current labor rate for inmates; and

WHEREAS, the Act provides an hourly wage to prisoners who perform what is now volunteer work for nonprofit organizations, are assigned to voluntary work-release programs, or who perform manual labor for the prison system itself; and

WHEREAS, inmates currently perform tasks that include the manufacturing of license plates, janitorial supplies and office furniture as well as provide janitorial services for the prison. They earn between \$0.10 and \$1.14 an hour for their efforts; and

WHEREAS, New York State is already overburdened by excessive taxes and oppressive regulations. Residents should not have to bear additional costs to fund the voluntary labor of inmates, this is especially true at a time when the state is expecting to have a multi-billion dollar shortfall; and

WHEREAS, New York State has a sizeable population of homeless, starving, and food insecure residents who have not violated any criminal laws. Erie County's largest urban center, the City of Buffalo, has consistently ranked as one of the worst cities in the nation for child poverty rates. Those residents are more deserving of public tax dollars than convicted criminals serving jail sentences; and

WHEREAS, the 2020 budget also slashes funding to valuable community recipients including towns and villages through the proposed reduction in Aid to Municipalities funding; and

WHEREAS, towns, villages, and the law abiding populations of New York State should be protected from financial downturns before we look to provide raises to New York's criminal populations.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body, for the reasons stated above, is opposed to the Prison Minimum Wage Act, S3138/A1275 (2019); and, be it further

RESOLVED, that certified copies of this Resolution be sent to the Western New York delegation to the New York State Legislature, Governor Andrew Cuomo, and any other party deemed necessary and proper.

Fiscal Impact: None for Resolution.

A01275 Text:

STATE OF NEW YORK

1275

2019-2020 Regular Sessions

IN ASSEMBLY

January 14, 2019

Introduced by M. of A. PERRY, DE LA ROSA, EPSTEIN, ORTIZ, RICHARDSON, WALKER, MOSLEY -- read once and referred to the Committee on 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:

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 added by
4 chapter 256 of the laws of 2010, is amended to read as follows:

5 3. Notwithstanding any other provision of law, an inmate may be
6 permitted to leave the institution under guard to voluntarily perform
7 work for a nonprofit organization; provided that each inmate who volun-
8 teers to perform work for a nonprofit organization shall be paid a mini-
9 mum hourly wage of not less than three dollars. The department shall be
10 entitled to charge the nonprofit organization a reasonable hourly rate
11 for meals and housing of such prisoners, if any. As used in this
12 section, the term "nonprofit organization" means an organization oper-
13 ated exclusively for religious, charitable, or educational purposes, no
14 part of the net earnings of which inures to the benefit of any private
15 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. Any inmate performing labor as described in this section shall be
19 compensated for his or her labor in accordance with the provisions of
20 subdivision five of section one hundred eighty-seven of 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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A. 1275

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

4 § 5. Section 178 of the correction law, as added by chapter 476 of the
5 laws of 1970, is amended to read as follows:

6 § 178. Participation in work release and other community activities.

7 1. Nothing contained in this article shall be construed or applied so as
8 to prohibit private employment of inmates in the community under a work
9 release program, or a residential treatment facility program formulated
10 pursuant to any provision of this chapter.

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

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

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

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

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

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

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

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

S03138 Text:

STATE OF NEW YORK

3138

2019-2020 Regular Sessions

IN SENATE

February 4, 2019

Introduced by Sen. MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

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