



**2018 New York State YMCA
Youth And Government**

**FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY**

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Committee Assignment: Assembly Liberty 2

Bill #: AL-10

1 **Sponsors:** Jayden Fritz-Berrios, Calvin Jean, and Jasmine Willard

2

3 **An Act To**

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

5 Amend § 187 of New York State Correction Law to raise the pay grade of inmate
6 workers to at least half that of the state minimum wage.

7

8 **Purpose**

9 The purpose of this bill is to raise the minimum wage an inmate worker can earn to
10 at least half that of the state minimum wage, and to raise each work grade's pay
11 proportionately

12

13 **Summary of Provisions**

14 **Section 1**

15 **Correctional Facility-** Refers to a jail, prison, or other place of incarceration by
16 government officials. They serve to confine and rehabilitate prisoners and may be
17 classified as minimum, medium, or maximum security facilities, or contain separate
18 divisions for such categories of prisoners.

19 **Prison Industries-** Jobs created by prison labor programs

20 **Non-Personal Service-** Rendering the services are not subject, either by the
21 contract's terms or by the manner of its administration, to the supervision and
22 control usually prevailing in relationships between the Government and its
23 employees.

24 **Section 2**

25 § 187. Earnings of inmates. 1. Every inmate confined in a state correctional facility,
26 subject to the rules and regulations of the department of corrections and
27 community supervision, and every inmate confined in a local correctional facility, in
28 the discretion of the sheriff thereof, may receive compensation for work performed
29 during his or her imprisonment. Such compensation shall be graded by the
30 department of corrections and community supervision with regard to inmates
31 employed in prison industries, based upon the work performed by such prisoners
32 for prisoners confined in state correctional facilities, and by the sheriffs in all local
33 correctional facilities for inmates confined therein.

34 2. The department of corrections and community supervision shall adopt rules,
35 subject to the approval of the director of the budget, for establishing in all of the
36 state correctional facilities a system of compensation for the inmates confined
37 therein. Such rules shall provide for the payment of compensation to each inmate,
38 who shall meet the requirements established by the department of corrections and
39 community supervision, based upon the work performed by such inmates.

40 3. The department shall prepare graded wage schedules for inmates, which
41 schedules shall be based upon classifications according to the value of work
42 performed by each. Such schedules ~~need not be~~ must be uniform in all institutions.

43 The lowest wage grade provided shall be no less than half that of the state



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1 minimum wage in their county for the current fiscal year. The minimum pay grade,
2 as well as each grade above it, shall all be updated annually to remain consistent
3 with any changes to the state minimum wage. The rules of the department shall
4 also provide for the establishment of a credit system for each inmate and the
5 manner in which such earnings shall be paid to the inmate or his or her dependents
6 or held in trust for him or her until his or her release.

7 4. Any compensation paid to an inmate under this article shall be based on the
8 work performed by such inmate. Compensation may be paid from moneys
9 appropriated to the department and available to facilities for non-personal service.
10

11 **Justification**

12 An issue in the world that we live in is the disregard of moral principles. A crime is a
13 crime regardless of the severity of the offense. However, it should be asked if all
14 criminals are felons by choice, or rather victims of the environment around them.
15 Prison is designed for rehabilitation. Prisoners often work in excess of 60 hours a
16 week, and their wage has not increased since the Great Depression. At this time,
17 .33 cents per hour was a reasonable rate for those working both outside prison and
18 as prisoners. Times have since changed drastically. Now, minimum wage for most
19 counties in New York is \$9.70. Felons working in prison, up until the 1930's, were
20 paid the same hourly rate as non-convicts. Serving time in prison should not be
21 inclusive of essentially, unpaid labor. Incarcerated jobs can include anything from
22 industrial labor to mural painting, and oftentimes prisoners work in place of outside
23 employees, providing necessary maintenance care for the facility. Despite the
24 considerable amount of hours they work, prisoners still barely have enough to
25 purchase commissary items necessary for survival, such as feminine products.
26

27 **Fiscal Implications**

28 The money needed for this bill will be coming from a sin tax added onto the sale of
29 electronic cigarettes. The current sin tax for traditional cigarettes in New York State
30 is \$4.35 per 20 cigarettes, which is equivalent to about 75¢ per every 120mg of
31 nicotine. Proportionately, this amounts to about \$8.70-\$13.05 per e-cigarette,
32 which will provide us with the \$1.2 billion that is needed to be allocated towards
33 higher inmate pay. Any excess money will be funneled into inmate drug
34 rehabilitation programs, seeing as these are also severely underfunded.
35

36 **Effective Date**

37 This bill will go into effect the January 1st following its passage.