File #: Res 0413-2024, **Version:** *

Res. No. 413

Resolution calling on the New York State Legislature to pass, and the Governor to sign S4855/A5344, in relation to retroactively adjusting the compensation of formerly incarcerated individuals who were unjustly convicted.

By Council Members Nurse, Cabán and Hanif

Whereas, Many unjustly and wrongfully convicted individuals have suffered not only the loss of their freedom, but also endured exploitation through compulsory labor during their incarceration, receiving inadequate compensation for their work; and

Whereas, According to *13th Forward*, wages for incarcerated workers range from just 10 cents to 65 cents per hour, before garnishments from fines and fees, and the vast majority of incarcerated workers earn less than 33 cents per hour; and

Whereas, New York State Correction Law Article 7 pertains to labor in correctional institutions, however, lacks provisions ensuring individuals unjustly or wrongfully convicted receive proper recompense for the compulsory work they performed while incarcerated; and

Whereas, Legislative measures are needed to address this injustice and ensure people who are unjustly or wrongfully convicted receive fair compensation for their work; and

Whereas, S4855/A5344 sponsored by New York State Senator Cordell Cleare and New York State Assemblymember Brian Cunningham, respectively, aims to address this problem by ensuring the vindicated receive proper remuneration to reflect their work without being penalized for it from a New York tax perspective; and

Whereas, This legislation seeks to amend the New York State Correction Law and Tax Law to retroactively adjust the compensation of formerly incarcerated individuals who were unjustly convicted as defined by the law, to reflect the value of their labor as well as exempting such adjusted income from State income taxes; and

Whereas, The City Council believes S4855/A5344 ensures that individuals who have suffered unjust and wrongful convictions are not further disadvantaged by financial burdens or tax penalties related to their unjust incarceration; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign S4855/A5344, in relation to retroactively adjusting the compensation of formerly incarcerated individuals who were unjustly convicted.

CMB
LS#16694
4/18/24