

1789

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sens. RIVERA, MONTGOMERY, HASSELL-THOMPSON, KRUEGER, PARKER, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the correction law, in relation to establishing the pilot project for the placement of inmates close to home; and providing for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "pilot project for the placement of inmates close to home".  
3     S 2. Legislative intent. The legislature hereby finds and declares  
4     that research shows inmates who maintain family ties during incarceration  
5     have lower rates of recidivism than inmates who do not. Further,  
6     most inmates are parents, and more than 80,000 children in the state of  
7     New York have a parent incarcerated in the state prison system.  
8     The legislature further finds that the department of corrections and  
9     community supervision should consider proximity to minor children among  
10    the key criteria of security and health and program needs when determining  
11    prison assignments and transfers of parents, and should support  
12    increased access of children to their incarcerated parents through the  
13    use of technology and programs currently available within the department.  
14    ment.  
15    The legislature therefore declares that there is a need to develop  
16    classification criteria that would place inmates in proximity to their  
17    family members and home communities, and in particular for those inmates  
18    who are parents of minor children in the appropriate correctional facility  
19    located closest to those children provided such placement is otherwise  
20    appropriate and suitable, and would facilitate increased contact  
21    between such inmate and his or her child or children.

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

LBD02561-01-3

1 S 3. The correction law is amended by adding a new section 72-c to  
2 read as follows:

3 S 72-C. PILOT PROJECT FOR THE PLACEMENT OF INMATES CLOSE TO HOME. 1.  
4 THE COMMISSIONER SHALL ESTABLISH A PILOT PROGRAM AT A DESIGNATED CORREC-  
5 TIONAL FACILITY FOR THE PURPOSE OF HOUSING INMATES WHO ARE PARENTS OF  
6 MINOR CHILDREN IN THE CORRECTIONAL FACILITY WHICH IS LOCATED IN CLOSEST  
7 PROXIMITY TO THE PRIMARY PLACE OF RESIDENCE OF ANY SUCH INMATE'S MINOR  
8 CHILD OR CHILDREN UNDER EIGHTEEN YEARS OF AGE, PROVIDED THAT SUCH PLACE-  
9 MENT IS OTHERWISE SUITABLE AND APPROPRIATE PURSUANT TO THE REGULATIONS  
10 OF THE DEPARTMENT AND WOULD FACILITATE INCREASED CONTACT BETWEEN SUCH  
11 INMATE AND HIS OR HER CHILD OR CHILDREN. FOR PURPOSES OF THIS PILOT  
12 PROGRAM, THERE SHALL BE AT LEAST SIXTY INMATES WHO ON A VOLUNTARY BASIS  
13 REQUEST PLACEMENT IN THE PILOT PROGRAM AND WHO ARE PARENTS OF MINOR  
14 CHILDREN. IN SELECTING SUCH INMATES THE DEPARTMENT SHALL CONSULT WITH  
15 THE OFFICE OF CHILDREN AND FAMILY SERVICES AND THE LOCAL DISTRICT OF  
16 SOCIAL SERVICES LOCATED IN THE COUNTY WHERE SUCH INMATE'S CHILD RESIDES.

17 2. THE COMMISSIONER, IN CONSULTATION WITH THE JOHN JAY COLLEGE INSTI-  
18 TUTE FOR CRIMINAL JUSTICE ETHICS OR OTHER SUCH CRIMINAL JUSTICE DIVISION  
19 AS THE ADMINISTRATION OF JOHN JAY COLLEGE MAY PROVIDE, SHALL SUBMIT  
20 BEGINNING ON THE FIRST OF JANUARY IN THE YEAR TWO THOUSAND SIXTEEN AND  
21 EVERY JANUARY THEREAFTER A REPORT TO THE GOVERNOR, THE TEMPORARY PRESI-  
22 DENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY ON THE EFFECTIVENESS  
23 OF THIS PILOT PROJECT AND SHALL INCLUDE AN ANALYSIS OF THE IMPACT ON THE  
24 INMATE, HIS OR HER CHILDREN, AND FAMILY PARTICIPANTS INCLUDING SUCH  
25 IMPACT ON INSTITUTIONAL SAFETY AND PERFORMANCE AND ANY RECOMMENDATIONS  
26 FOR ADDITIONAL LEGISLATIVE ENACTMENTS THAT MAY BE NEEDED OR REQUIRED, TO  
27 IMPROVE, ENHANCE AND SUBSEQUENTLY EXPAND THE PROGRAM TO OTHER CORREC-  
28 TIONAL FACILITIES AS DETERMINED TO BE APPROPRIATE BY THE COMMISSIONER.

29 3. NO PERSON SHALL HAVE THE RIGHT TO DEMAND OR REQUIRE PARTICIPATION  
30 IN THE PILOT PROJECT AUTHORIZED BY THIS SECTION. THE COMMISSIONER MAY  
31 REVOKE AT ANY TIME PARTICIPATION IN SUCH PROJECT FOR ANY SERIOUS DISCI-  
32 PLINARY INFRACTION COMMITTED BY THE INMATE OR FOR ANY FAILURE TO CONTIN-  
33 UE TO PARTICIPATE SUCCESSFULLY IN ANY ASSIGNED WORK AND TREATMENT  
34 PROGRAM AFTER PLACEMENT IN SUCH PILOT PROGRAM. ANY ACTION BY THE COMMIS-  
35 SIONER PURSUANT TO THIS SECTION SHALL BE DEEMED A JUDICIAL FUNCTION AND  
36 SHALL NOT BE REVIEWABLE IF DONE IN ACCORDANCE WITH LAW.

37 S 4. This act shall take effect six months after it shall have become  
38 a law and shall expire September 1, 2016 when upon such date provisions  
39 of this act shall be deemed repealed. Effective immediately, the addi-  
40 tion, amendment and/or repeal of any rule or regulation necessary for  
41 the implementation of this act on its effective date is authorized to be  
42 made on or before such date.