

STATE OF NEW YORK

1628

2017-2018 Regular Sessions

IN SENATE

January 10, 2017

Introduced by Sen. GOLDEN -- 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 the transfer of certain inmates

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

1 Section 1. The correction law is amended by adding a new section 530
2 to read as follows:

3 § 530. Transfer of certain inmates. 1. Notwithstanding any provision
4 of law to the contrary, any inmate in the custody of the commissioner of
5 correction for the city of New York who, having been in such custody for
6 a period of at least three hundred sixty-five consecutive days, engaged
7 in conduct for which he or she was subject to a disciplinary proceeding
8 resulting in a determination of guilt for an offense described in subdi-
9 vision four of this section and such determination was not overturned on
10 the appeal, if any, taken from such determination, shall be subject to
11 transfer to a state correctional institution. The commissioner, as the
12 chief administrative officer, shall within two days of the expiration of
13 the period of time for such inmate to appeal from such determination or
14 the denial of such inmate's appeal, whichever is later, submit a written
15 request to the commission of correction for a substitute jail order for
16 such inmate. Upon receipt of such request, the commission shall issue
17 the requested substitute jail order within two days and such inmate
18 shall be transferred to a state correctional institution in accordance
19 with the rules and regulations promulgated by the commission governing
20 the temporary transfer of inmates to state correctional institutions
21 from county jails, and if no such rules and regulations have been
22 promulgated, such inmate shall be transferred to the nearest correction-
23 al facility, to the maximum extent practicable, taking into account

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

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1 necessary security until such inmate is no longer in the custody of the
2 commissioner.

3 2. When the distance between the city of New York correctional insti-
4 tution from which an inmate is transferred and the state correctional
5 institution to which an inmate is transferred exceeds one hundred miles,
6 such inmate shall be afforded the opportunity to meet with his or her
7 counsel at the state correctional facility closest to the city of New
8 York. Such inmate shall be transported to such state correctional facil-
9 ity to meet with his or her counsel, and upon conclusion of such meet-
10 ing, such inmate shall be transported to the state correctional facility
11 to which he or she was transferred pursuant to this section.

12 3. The commissioner of corrections and community supervision shall,
13 based on standards promulgated by the department, determine whether the
14 city of New York shall reimburse the state for any or all of the actual
15 costs of confinement as approved by the director of the division of the
16 budget.

17 4. For the purposes of this section, the term "offense" shall mean:

18 (a) assault resulting in the physical injury of another person;

19 (b) assault using a weapon, regardless of whether such assault results
20 in physical injury;

21 (c) possession of a razor outside of the housing area to which the
22 possessor was confined;

23 (d) rape or sexual abuse of another person; or

24 (e) attempted rape or sexual abuse of another person.

25 § 2. This act shall take effect on the thirtieth day after it shall
26 have become a law.