STATE OF NEW YORK

1341

2019-2020 Regular Sessions

IN SENATE

January 14, 2019

Introduced by Sens. RIVERA, SEPULVEDA -- 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:

Section 1. Short title. This act shall be known and may be cited as the "pilot project for the placement of inmates close to home".

§ 2. Legislative intent. The legislature hereby finds and declares that research shows inmates who maintain family ties during incarceration have lower rates of recidivism than inmates who do not. Further, most inmates are parents, and more than 80,000 children in the state of New York have a parent incarcerated in the state prison system.

The legislature further finds that the department of corrections and community supervision should consider proximity to minor children among the key criteria of security and health and program needs when determining prison assignments and transfers of parents, and should support increased access of children to their incarcerated parents through the use of technology and programs currently available within the department.

The legislature therefore declares that there is a need to develop classification criteria that would place inmates in proximity to their family members and home communities, and in particular for those inmates who are parents of minor children in the appropriate correctional facility located closest to those children provided such placement is otherwise appropriate and suitable, and would facilitate increased contact between such inmate and his or her child or children.

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

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

LBD07476-01-9

§ 72-c. Pilot project for the placement of inmates close to home. 1. The commissioner shall establish a pilot program for the purpose of housing inmates who are parents of minor children in the correctional facility which is located in closest proximity to the primary place of residence of any such inmate's minor child or children under eighteen years of age, provided that such placement is otherwise suitable and appropriate pursuant to the regulations of the department and would facilitate increased contact between such inmate and his or her child or children. For purposes of this pilot program, there shall be at least one hundred inmates who are parents of minor children, who on a voluntary basis, would request placement in the pilot program. In selecting such inmates the department shall consult with the office of children and family services and the local district of social services located in the county where such inmate's child resides.

2. The commissioner, in consultation with the office of children and family services, and where applicable, the local district of social services, shall submit within one year of the effective date of this section and annually thereafter a report to the governor, the temporary president of the senate and the speaker of the assembly on the effectiveness of this pilot project. Such reports shall include an analysis of the impact on the inmate, including factors such as institutional adjustment, behavior infractions, and program participation, among related relevant factors. The reports shall also include analysis of factors such as frequency of visits, barriers to visitation, logistical challenges and cost-savings to the department. The report shall further include any recommendations for additional legislative enactments that may be needed or required, to improve, enhance and subsequently expand the program as determined to be appropriate by the commissioner. The report following the third year of the pilot program shall include a plan for expansion and eventual incorporation of proximity into placement decisions for all inmate parents of minor children.

3. No person shall have the right to demand or require participation in the pilot project authorized by this section. The commissioner may revoke at any time participation in such project for any serious disciplinary infraction committed by the inmate or for any failure to continue to participate successfully in any assigned work and treatment program after placement in such pilot program.

4. An eligibility preference shall be granted to inmate parents with children in foster care who are at risk of losing their parental rights. Admission shall be granted on a rolling basis and priority shall be given to inmates who were primary caregivers, although all inmate parents of minor children shall be considered. The department shall verify that the minor children of inmates participating in such pilot program will be able to come to the facility for periodic visitation.

§ 4. This act shall take effect six months after it shall have become a law and shall expire 3 years after it shall take effect when upon such date the provisions of this act shall be deemed repealed. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such date.