

# STATE OF NEW YORK

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402--A

Cal. No. 294

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

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Introduced by Sen. BIAGGI -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- reported favorably from said committee, ordered to first and second report, ordered to a third reading -- committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law, in relation to allowing a telephone call prior to an inmate's transfer

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

1 Section 1. Subdivision 1 of section 23 of the correction law, as  
2 amended by chapter 254 of the laws of 2017, is amended to read as  
3 follows:

4 1. The commissioner shall have the power to transfer inmates from one  
5 correctional facility to another. Whenever the transfer of inmates from  
6 one correctional facility to another shall be ordered by the commissioner,  
7 the superintendent of the facility from which the inmates are transferred  
8 shall take immediate steps to make the transfer. The transfer  
9 shall be in accordance with rules and regulations promulgated by the  
10 department for the safe delivery of such inmates to the designated  
11 facility. [~~Within~~] Immediately prior to the transfer, the department  
12 shall electronically notify the inmate's next of kin or personal representative  
13 of the transfer and the inmate shall be allowed to make at  
14 least one personal phone call, free of charge, except under exceptional  
15 circumstances when to do so would create an unacceptable risk to the  
16 safety and security of inmates or staff. When a call is not permitted  
17 due to exceptional circumstances, the department shall so indicate in a  
18 contemporaneous written document. Additionally, within twenty-four  
19 hours of arriving at the facility to which an inmate is transferred, he  
20 or she shall be allowed to make at least one personal phone call, except

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

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1 when to do so would create an unacceptable risk to the safety and secu-  
2 rity of inmates or staff. If security precautions prevent the inmate  
3 from making such call, a staff member designated by the superintendent  
4 of the facility shall make a call to a person of the inmate's choice  
5 unless the inmate declines to have such a call made.

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