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I N A S S E M B L Y

June 3, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Aubry, Wright, Benjamin, Gibson, Barron, Peoples-Stokes, Duprey, Finch, Giglio, Gottfried, Lupardo, McEneny, Millman, Molinaro, Reilly, Sayward, Schimel, Stirpe) -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to reporting by the commissioner of the department of correctional services on the capacity and staffing of the state prison system

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

1 Section 1. Subdivision 4 of section 29 of the correction law, as
2 amended by section 1 of part R of chapter 56 of the laws of 2005, is
3 amended to read as follows:
4 4. [The] ON OR BEFORE THE FIRST DAY OF FEBRUARY, TWO THOUSAND ELEVEN,
5 AND EVERY YEAR THEREAFTER, THE commissioner [of the department of
6 correctional services] shall provide [an annual] A COMPREHENSIVE report
7 to the legislature [on the staffing of correction officers and
8 correction sergeants in state correctional facilities. Such report shall
9 include, but not be limited to the following factors: the number of
10 security posts on the current plot plan for each facility that have been
11 closed on a daily basis, by correctional facility security classifica-
12 tion (minimum, medium and maximum); the number of security positions
13 eliminated by correctional facility since two thousand compared to the
14 number of inmates incarcerated in each such facility; a breakdown by
15 correctional facility security classification (minimum, medium, and
16 maximum) of the staff hours of overtime worked, by year since two thou-
17 sand and the annual aggregate costs related to this overtime. In addi-
18 tion, such report shall be delineated by correctional facility security
19 classification, the annual number of security positions eliminated, the
20 number of closed posts and amount of staff hours of overtime accrued as
21 well as the overall overtime expenditures that resulted] EVALUATING THE
22 CAPACITY AND STAFFING OF THE STATE PRISON SYSTEM. Such report shall be
23 provided to the TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE
24 ASSEMBLY, THE MINORITY LEADER OF THE SENATE, THE MINORITY LEADER OF THE

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

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1 ASSEMBLY, AND THE chairs of the senate finance, assembly ways and means,
2 senate crime and corrections and assembly correction committees [by
3 December thirty-first]. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED
4 TO, THE FOLLOWING:

5 (A) INFORMATION ON THE STAFFING OF CORRECTION OFFICERS AND CORRECTION
6 SERGEANTS IN STATE CORRECTIONAL FACILITIES INCLUDING: THE NUMBER OF
7 SECURITY POSTS ON THE CURRENT PLOT PLAN FOR EACH FACILITY THAT HAVE BEEN
8 CLOSED ON A DAILY BASIS, BY CORRECTIONAL FACILITY SECURITY CLASSIFICA-
9 TION (MINIMUM, MEDIUM AND MAXIMUM); THE NUMBER OF SECURITY POSITIONS
10 ELIMINATED BY CORRECTIONAL FACILITY SINCE TWO THOUSAND COMPARED TO THE
11 NUMBER OF INMATES INCARCERATED IN EACH SUCH FACILITY; A BREAKDOWN BY
12 CORRECTIONAL FACILITY SECURITY CLASSIFICATION (MINIMUM, MEDIUM AND MAXI-
13 MUM) OF THE STAFF HOURS OF OVERTIME WORKED, BY YEAR SINCE TWO THOUSAND
14 AND THE ANNUAL AGGREGATE COSTS RELATED TO THIS OVERTIME. THE REPORT
15 SHALL ALSO INCLUDE THE RATIO OF ALL SECURITY STAFF TO INMATE AT EACH
16 CORRECTIONAL FACILITY. IN ADDITION, SUCH INFORMATION SHALL BE DELINEATED
17 BY CORRECTIONAL FACILITY SECURITY CLASSIFICATION, THE ANNUAL NUMBER OF
18 SECURITY POSITIONS ELIMINATED, THE NUMBER OF CLOSED POSTS AND AMOUNT OF
19 STAFF HOURS OF OVERTIME ACCRUED AS WELL AS THE OVERALL OVERTIME EXPENDI-
20 TURES THAT RESULTED;

21 (B) THE TOTAL NUMBER OF CORRECTIONAL FACILITIES IN OPERATION WHICH ARE
22 MAINTAINED BY THE DEPARTMENT OF CORRECTIONAL SERVICES, THE SECURITY
23 LEVEL OF EACH SUCH FACILITY, THE NUMBER OF INMATES AT EACH SUCH FACILI-
24 TY, THE TOTAL NUMBER OF BEDS AT EACH CORRECTIONAL FACILITY, AND THE
25 NUMBER OF EMPTY BEDS, IF ANY, AT EACH SUCH FACILITY WITH AN EXPLANATION
26 AS TO THE TYPE OF BED THAT IS EMPTY. WHEN REPORTING ON THE TOTAL NUMBER
27 OF BEDS AND EMPTY BEDS, THE COMMISSIONER SHALL DIFFERENTIATE BETWEEN
28 GENERAL CONFINEMENT BEDS AND OTHER TYPES OF SPECIALIZED OR RESTRICTED
29 BEDS WITHIN THE SYSTEM, INCLUDING BUT NOT LIMITED TO INFIRMARY BEDS,
30 BEDS UTILIZED FOR DISCIPLINARY PURPOSES, SHOCK INCARCERATION BEDS, WORK
31 RELEASE BEDS, SUBSTANCE ABUSE AND MENTAL HEALTH TREATMENT BEDS AND ANY
32 OTHER TYPE OF SPECIALIZED OR RESTRICTED BEDS. THE COMMISSIONER SHALL
33 ALSO INCLUDE INFORMATION REGARDING THE NECESSITY TO MAINTAIN SUCH
34 SPECIALIZED AND RESTRICTED BEDS TO MEET THE NEEDS OF INMATES AND THE
35 CORRECTIONAL SYSTEM;

36 (C) THE CURRENT NUMBER OF INMATES WITHIN THE PRISON SYSTEM WHO ARE
37 LIVING IN DOUBLE-BUNKED AND DOUBLE-CELLED CONDITIONS, WITH AN EXPLANA-
38 TION AS TO THE NUMBER OF INMATES DOUBLE-BUNKED AND DOUBLE-CELLED, IF
39 ANY, WITHIN MINIMUM SECURITY FACILITIES, MEDIUM SECURITY FACILITIES, AND
40 MAXIMUM SECURITY FACILITIES. THE COMMISSIONER SHALL PROVIDE AN EXPLANA-
41 TION AS TO THE NUMBER OF INMATES, IF ANY, WHO ARE LIVING IN
42 DOUBLE-BUNKED OR DOUBLE-CELLED CONDITIONS AS A RESULT OF A VARIANCE
43 RECEIVED FROM THE STATE COMMISSION OF CORRECTION ESTABLISHED PURSUANT TO
44 ARTICLE THREE OF THIS CHAPTER. FOR THE PURPOSES OF THIS PARAGRAPH, AN
45 INMATE SHALL BE DEEMED TO BE LIVING IN A DOUBLE-BUNKED CONDITION WHEN
46 HIS OR HER CONFINEMENT BED IS SITUATED IMMEDIATELY ABOVE ANOTHER
47 CONFINEMENT BED OR IMMEDIATELY BELOW ANOTHER CONFINEMENT BED IN A HOUS-
48 ING UNIT DEFINED BY THE STATE COMMISSION OF CORRECTION AS A MULTIPLE
49 OCCUPANCY HOUSING UNIT AND, AN INMATE SHALL BE DEEMED TO BE LIVING IN A
50 DOUBLE-CELLED CONDITION WHEN HIS OR HER CONFINEMENT BED IS SITUATED
51 IMMEDIATELY ABOVE ANOTHER CONFINEMENT BED OR IMMEDIATELY BELOW ANOTHER
52 CONFINEMENT BED IN A HOUSING UNIT DEFINED BY THE STATE COMMISSION OF
53 CORRECTION AS EITHER AN INDIVIDUAL OCCUPANCY HOUSING UNIT OR A DOUBLE
54 OCCUPANCY HOUSING UNIT ORIGINALLY DESIGNED FOR INDIVIDUAL OCCUPANCY.

55 S 2. Section 79-a of the correction law, as amended by section 1 of
56 part H of chapter 56 of the laws of 2009, is amended to read as follows:

1 S 79-a. Closure of correctional facilities; notice. Before the closure
2 of any correctional facility,[,] for reasons other than those set forth
3 in paragraph (a) of subdivision eight of section forty-five of this
4 chapter, the commissioner shall take the following actions:

5 1. confer with the department of civil service, the governor's office
6 of employee relations and any other appropriate state agencies to devel-
7 op strategies which attempt to minimize the impact of the closure on the
8 state work force;

9 2. consult with the department of economic development and any other
10 appropriate state agencies to develop strategies which attempt to mini-
11 mize the impact of such closures on the local and regional economies;
12 [and]

13 3. provide notice by certified mail to (i) all local governments of
14 any political subdivision in which the correctional facility is located,
15 (ii) all employee labor organizations operating within, or representing
16 employees of, the correctional facility, [and] (iii) managerial and
17 confidential employees employed within the correctional facility AND
18 (IV) THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY,
19 THE MINORITY LEADER OF THE SENATE, THE MINORITY LEADER OF THE ASSEMBLY,
20 AND THE CHAIRS OF THE SENATE FINANCE, ASSEMBLY WAYS AND MEANS, SENATE
21 CRIME AND CORRECTIONS AND ASSEMBLY CORRECTION COMMITTEES at least twelve
22 months prior to any such closure[.]; AND

23 4. INCLUDE, WITH THE NOTICE REQUIRED BY SUBDIVISION THREE OF THIS
24 SECTION, A REPORT REGARDING THE IMPACT OF THE CLOSURE ON INMATES AND
25 STAFF IN THE STATE PRISON SYSTEM. SUCH REPORT SHALL INCLUDE, BUT NOT BE
26 LIMITED TO, THE FOLLOWING:

27 (I) AN EXPLANATION AS TO THE IMPACT OF SUCH CLOSURE ON THE STATE PRIS-
28 ON SYSTEM AS A WHOLE, INCLUDING THE IMPACT, IF ANY, ON INMATE SECURITY
29 LEVEL CLASSIFICATION, THE CHANGE, IF ANY, THAT WILL RESULT IN THE RATIO
30 OF INMATES TO CORRECTIONAL STAFF, BOTH WITHIN INDIVIDUAL CORRECTIONAL
31 FACILITIES AND WITHIN THE STATE PRISON SYSTEM AS A WHOLE, THE CHANGE
32 THAT WILL RESULT IN THE BED CAPACITY WITHIN THE STATE PRISON SYSTEM AS A
33 WHOLE AND WITHIN THE MINIMUM SECURITY CORRECTIONAL FACILITIES, MEDIUM
34 SECURITY CORRECTIONAL FACILITIES AND MAXIMUM SECURITY CORRECTIONAL
35 FACILITIES, RESPECTIVELY;

36 (II) AN EXPLANATION AS TO THE IMPACT OF SUCH CLOSURE ON EMPLOYEES OF
37 THE DEPARTMENT OF CORRECTIONAL SERVICES WHO WILL BE AFFECTED, INCLUDING
38 INFORMATION AS TO THE NUMBER OF EMPLOYEES WHO WILL HAVE NEW WORK
39 LOCATIONS AND THE EFFORTS, IF ANY, UNDERTAKEN BY THE DEPARTMENT TO MINI-
40 MIZE THE RELOCATION OF ANY EMPLOYEES; AND

41 (III) AN EXPLANATION AS TO THE NUMBER AND TYPES OF PROGRAMS AND THE
42 AVAILABILITY OF PROGRAMS, IF ANY, THAT WILL BE IMPACTED BY SUCH CLOSURE,
43 INCLUDING PROGRAMS DESIGNED TO PROMOTE THE SUCCESSFUL AND PRODUCTIVE
44 REENTRY AND REINTEGRATION INTO SOCIETY OF INMATES UPON THEIR RELEASE
45 FROM THE CUSTODY OF THE DEPARTMENT.

46 S 3. This act shall take effect immediately.