

3373

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. PERRY, KAVANAGH -- Multi-Sponsored by -- M. of A. BENJAMIN, BOYLAND, BRENNAN, COOK, DIAZ, EDDINGTON, ESPAILLAT, GLICK, GOTTFRIED, GREENE, HOOPER, JACOBS, MENG, MILLMAN, PAULIN, PEOPLES, PHEFFER, POWELL, ROBINSON, ROSENTHAL, WEISENBERG -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to pregnant female prisoners

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

1 Section 1. Subdivision 1 of section 611 of the correction law, as
2 amended by chapter 758 of the laws of 1968, is amended to read as
3 follows:
4 1. If a woman, confined in any institution under the control of the
5 [state] department [of correction,] or in any penitentiary or jail, be
6 pregnant and about to give birth to a child, the officer in charge of
7 such institution, a reasonable time before the anticipated birth of such
8 child, shall cause such woman to be removed from such institution and
9 provided with comfortable accommodations, maintenance and medical care
10 elsewhere, under such supervision and safeguards to prevent her escape
11 from custody as [he] THE OFFICER may determine[, and]. NO RESTRAINTS OF
12 ANY KIND SHALL BE USED DURING TRANSPORT, EXCEPT WHERE THE OFFICER IN
13 CHARGE OF THE INSTITUTION HAS DETERMINED THAT SUCH WOMAN PRESENTS A
14 SUBSTANTIAL FLIGHT RISK, SUCH WOMAN MAY BE HANDCUFFED. UNDER NO CIRCUM-
15 STANCES SHALL RESTRAINTS OF ANY KIND BE USED ON ANY PREGNANT WOMAN WHO
16 IS IN LABOR. ANY SUCH PERSONNEL AS MAY BE NECESSARY TO SUPERVISE THE
17 WOMAN TO AND FROM THE HOSPITAL AND DURING HER STAY AT THE HOSPITAL SHALL
18 BE PROVIDED TO ENSURE ADEQUATE CARE, CUSTODY AND CONTROL OF THE WOMAN.
19 THE OFFICER IN CHARGE OF ANY INSTITUTION UNDER THE CONTROL OF THE
20 DEPARTMENT, OR ANY PENITENTIARY OR JAIL SHALL CAUSE SUCH WOMAN TO BE
21 subject to [her] return to such institution as soon after the birth of
22 her child as the state of her health will permit. If such woman is

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

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1 confined in a penitentiary or jail, the expense of such accommodation,
2 maintenance and medical care shall be paid by such woman or her rela-
3 tives or from any available funds of the penitentiary or jail and if not
4 available from such sources, shall be a charge upon the county, city or
5 town in which is located the court from which such inmate was committed
6 to such penitentiary or jail. If such woman is confined in any institu-
7 tion under the control of the [state] department [of correction], the
8 expense of such accommodation, maintenance and medical care shall be
9 paid by such woman or her relatives and if not available from such
10 sources, such maintenance and medical care shall be paid by the state.
11 In cases where payment of such accommodations, maintenance and medical
12 care is assumed by the county, city or town from which such inmate was
13 committed the payor shall make payment by issuing payment instrument in
14 favor of the agency or individual that provided such accommodations and
15 services, after certification has been made by the head of the institu-
16 tion to which the inmate was legally confined, that the charges for such
17 accommodations, maintenance and medical care were necessary and are
18 just, and that the institution has no available funds for such purpose.
19 S 2. This act shall take effect immediately.