

4614

2009-2010 Regular Sessions

I N   S E N A T E

April 24, 2009

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Introduced by Sens. ONORATO, HASSELL-THOMPSON, PARKER, SAMPSON, THOMPSON  
-- 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 reform of urban  
correctional facilities

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

1     Section 1. Statement of legislative intent. The legislature hereby  
2     finds and declares:  
3     1. The size of local correctional facilities can have a substantial  
4     impact on the living and working conditions present in such facilities  
5     and their ability to serve their public purposes. Smaller, less crowded  
6     local correctional facilities are more easily made secure, and thereby  
7     promote the safety of inmates, correctional officers and the public.  
8     Smaller facilities represent a more humane environment for persons  
9     temporarily detained pending the disposition of criminal charges, and  
10    enhance the rehabilitation of persons convicted of misdemeanors or  
11    violations of probation or parole. Such facilities, geographically  
12    dispersed throughout an urban area, provide easier access to courts and  
13    other processing points, thereby reducing transportation costs which are  
14    paid from public funds, and easier visitor access to facilities.  
15    2. Large, overcrowded local correctional facilities do not preserve  
16    the public safety or serve the public purposes for which they are  
17    intended. In particular, the various correctional facilities located on  
18    Rikers Island in the city of New York have been found by the federal  
19    courts to be overcrowded, unsanitary, and unsafe to inmates, correction-  
20    al officers and the public. The city of New York has stated that it  
21    would be prohibitively expensive to upgrade these facilities.  
22    3. Therefore, it is the intent of this legislature that no new capaci-  
23    ty for housing inmates be added to the various local correctional facil-  
24    ities on Rikers Island, and that the state commission of correction

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

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1 develop a plan to reduce the population in these facilities and replace  
2 these facilities with smaller local correctional facilities geograph-  
3 ically dispersed throughout the urban area.

4 S 2. The correction law is amended by adding a new section 45-a to  
5 read as follows:

6 S 45-A. REFORM OF URBAN CORRECTIONAL FACILITIES. 1. NOTWITHSTANDING  
7 ANY OTHER PROVISION OF LAW, THE COMMISSION SHALL NOT APPROVE ANY PLANS  
8 OR SPECIFICATIONS FOR THE CONSTRUCTION OF CORRECTIONAL FACILITIES  
9 LOCATED ON RIKERS ISLAND IN THE CITY OF NEW YORK, NOR SHALL THE COMMIS-  
10 SION INCREASE OR WAIVE THE MAXIMUM PRISONER CAPACITY FOR ANY SUCH EXIST-  
11 ING FACILITY SO LOCATED OR TAKE ANY OTHER ACTION WHICH WOULD PERMIT THE  
12 NUMBER OF PRISONERS IN ANY SUCH FACILITY TO EXCEED THE MAXIMUM PRISONER  
13 CAPACITY WHICH THE COMMISSION ESTABLISHED FOR SUCH FACILITY AND WHICH  
14 WAS IN EFFECT ON JULY FIRST, NINETEEN HUNDRED EIGHTY-SEVEN.

15 2. IN CONSULTATION WITH THE BOARD OF CORRECTION AND THE DEPARTMENT OF  
16 CORRECTION OF THE CITY OF NEW YORK, THE COMMISSION SHALL AS SOON AS  
17 FEASIBLE DEVELOP A PLAN FOR THE ORDERLY REDUCTION IN THE POPULATION OF  
18 THE VARIOUS FACILITIES ON RIKERS ISLAND. THE PLAN SHALL PROVIDE FOR THE  
19 TRANSFER OF SUCH POPULATION TO SMALLER NEW OR RENOVATED CORRECTIONAL  
20 FACILITIES. SUBJECT TO THE AVAILABILITY OF SUCH SMALLER CORRECTIONAL  
21 FACILITIES, THE PLAN SHALL BE DESIGNED TO RESULT IN THE REDUCTION IN THE  
22 POPULATION OF THE VARIOUS CORRECTIONAL FACILITIES ON RIKERS ISLAND, ON  
23 OR BEFORE THE FIRST DAY OF JANUARY, TWO THOUSAND FOURTEEN, TO THE POPU-  
24 LATION PRESENT IN SUCH FACILITIES ON JANUARY FIRST, NINETEEN HUNDRED  
25 SEVENTY.

26 3. UPON THE FAILURE OF ANY MUNICIPAL OFFICIAL TO CLOSE ANY CORRECTION-  
27 AL FACILITY BY THE DATE SPECIFIED IN THE PLAN DEVELOPED PURSUANT TO  
28 SUBDIVISION TWO OF THIS SECTION, THE COMMISSION SHALL PROCEED TO ISSUE A  
29 CITATION PURSUANT TO SUBDIVISION EIGHT OF SECTION FORTY-FIVE OF THIS  
30 ARTICLE.

31 S 3. This act shall take effect on the one hundred eightieth day  
32 after it shall have become a law.