S T A T E O F N E W Y O R K

4793

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. MONTGOMERY -- 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 providing inmates with the opportunity to obtain a general equivalency diploma

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

Section 1. Section 136 of the correction law, as amended by chapter 98 of the laws of 2007, is amended to read as follows:

S 136. Correctional education. 1. The objective of correctional education in its broadest sense should be the socialization of the inmates through varied impressional and expressional activities, with emphasis on individual inmate needs. The objective of this program shall be the return of these inmates to society with a more wholesome attitude toward living, with a desire to conduct themselves as good citizens, and with the skill and knowledge which will give them a reasonable chance to maintain themselves and their dependents through honest labor. To this end each inmate shall be given a program of education which, on the basis of available data, seems most likely to further the process of socialization and rehabilitation. Provided that, the commissioner, in consultation with the commissioner of education, shall develop a curricula for and require provision of an education program to all inmates, on a periodic basis, on the consequences and prevention of shaken baby syndrome which may include the viewing of a video presentation thereon. The time daily devoted to such education shall be such as is required for meeting the above objectives. The director of education, subject to the direction of the commissioner and after consultation with the commissioner of education, shall develop the curricula and the education programs that are required to meet the special needs of each correctional facility in the department. The commissioner of education, in [co-operation] *COOPERATION* with the commissioner and the director of educa-

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

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tion, shall set up the educational requirements for the certification of teachers in all such correctional facilities. Such educational requirements shall be sufficiently broad and comprehensive to include training in penology, sociology, psychology, philosophy, in the special subjects to be taught, and in any other professional courses as may be deemed necessary by the responsible officers, and shall include training relating to the consequences and prevention of shaken baby syndrome which may include the viewing of a video presentation thereon. No certificates for teaching service in the state institutions shall be issued unless a minimum of four years of training beyond the high school has been secured, or an acceptable equivalent. Existing requirements for the certification of teachers in the institutions shall continue in force until changed pursuant to the provisions of this section.

2. ALL INMATES ADMITTED TO THE DEPARTMENT SERVING A DETERMINATE TERM OF IMPRISONMENT, OR AN INDETERMINATE SENTENCE OF IMPRISONMENT OTHER THAN A SENTENCE OF LIFE IMPRISONMENT WITHOUT PAROLE, WHO HAVE BEEN EVALUATED UPON ADMISSION PURSUANT TO SUBDIVISION ONE OF SECTION ONE HUNDRED THIRTY-SEVEN OF THIS ARTICLE AND ARE DETERMINED TO BE CAPABLE OF SUCCESSFULLY COMPLETING THE ACADEMIC COURSE WORK REQUIRED FOR A GENERAL EQUIVALENCY DIPLOMA, SHALL BE PROVIDED WITH THE OPPORTUNITY TO COMPLETE SUCH COURSE WORK AT LEAST TWO MONTHS PRIOR TO THE DATE ON WHICH SUCH INMATE MAY BE PAROLED, CONDITIONALLY RELEASED, RELEASED TO POST RELEASE SUPERVISION PURSUANT TO SECTION 70.40 OF THE PENAL LAW, OR PRESUMPTIVELY RELEASED, PURSUANT TO SECTION EIGHT HUNDRED THREE OF THIS CHAPTER. UPON ADMISSION TO THE DEPARTMENT, SUCH INMATES WILL BE PROVIDED WITH WRITTEN NOTICE THAT GENERAL EQUIVALENCY PROGRAMS ARE AVAILABLE FOR ALL INMATES WHO SO APPLY.

3. THE DEPARTMENT SHALL ENSURE THAT ACADEMIC EDUCATION PROGRAMS WHICH PROVIDE THE APPROPRIATE CURRICULUM AND CERTIFIED ACADEMIC STAFF FOR GENERAL EQUIVALENCY DIPLOMA INSTRUCTION ARE AVAILABLE AT ALL CORRECTIONAL FACILITIES HOUSING INMATES WHO ARE ELIGIBLE AS SPECIFIED IN SUBDIVISION TWO OF THIS SECTION. THE DEPARTMENT SHALL PROVIDE ACADEMIC STAFF WHO ARE QUALIFIED TO PROVIDE SUCH INSTRUCTION AND WHO ARE MEMBERS OF THE COMPETITIVE CLASS OF THE CIVIL SERVICE OF NEW YORK STATE. THE DEPARTMENT SHALL PROVIDE SUFFICIENT STAFF AT EACH CORRECTIONAL FACILITY WHERE ELIGIBLE INMATES ARE CONFINED TO ENSURE A CLASSROOM RATIO OF TWENTY INMATES FOR EACH GENERAL EQUIVALENCY DIPLOMA INSTRUCTOR. THE DEPARTMENT SHALL DEVELOP A PLAN FOR IMPLEMENTATION OF THE GENERAL EQUIVALENCY DIPLOMA REQUIREMENT WHICH SHALL BE PRESENTED TO THE ASSEMBLY STANDING COMMITTEE ON CORRECTION AND THE SENATE STANDING COMMITTEE ON CRIME VICTIMS, CRIME AND CORRECTION ON OR BEFORE APRIL FIRST, TWO THOUSAND ELEVEN.

S 2. This act shall take effect three years after it shall have become a law; provided, however, that 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 and directed to be made and completed on or before such effective date.