

2765

2011-2012 Regular Sessions

I N   S E N A T E

February 1, 2011

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Introduced by Sen. HASSELL-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 requiring certain  
reports to the legislature regarding correctional facilities

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 TWELVE,  
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 VICTIMS, CRIME and [corrections] CORRECTION and assembly  
3 correction committees [by December thirty-first]. SUCH REPORT SHALL  
4 INCLUDE, BUT NOT BE LIMITED 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 THE YEAR TWO THOUSAND COMPARED  
11 TO THE NUMBER OF INMATES INCARCERATED IN EACH SUCH FACILITY; A BREAKDOWN  
12 BY CORRECTIONAL FACILITY SECURITY CLASSIFICATION (MINIMUM, MEDIUM, AND  
13 MAXIMUM) OF THE STAFF HOURS OF OVERTIME WORKED, BY YEAR SINCE THE YEAR  
14 TWO THOUSAND AND THE ANNUAL AGGREGATE COSTS RELATED TO THIS OVERTIME.  
15 THE REPORT SHALL ALSO INCLUDE THE RATIO OF ALL SECURITY STAFF TO INMATES  
16 AT EACH CORRECTIONAL FACILITY. IN ADDITION, SUCH INFORMATION SHALL BE  
17 DELINEATED BY CORRECTIONAL FACILITY SECURITY CLASSIFICATION, THE ANNUAL  
18 NUMBER OF SECURITY POSITIONS ELIMINATED, THE NUMBER OF CLOSED POSTS AND  
19 AMOUNT OF STAFF HOURS OF OVERTIME ACCRUED AS WELL AS THE OVERALL OVER-  
20 TIME EXPENDITURES THAT RESULTED;

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

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

54 S. 2. Section 79-a of the correction law, as amended by section 1 of  
55 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 VICTIMS, CRIME AND CORRECTION AND ASSEMBLY CORRECTION COMMITTEES  
22 at least twelve 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  
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 WHO WILL BE AFFECTED, INCLUDING INFORMATION AS TO THE  
38 NUMBER OF EMPLOYEES WHO WILL HAVE NEW WORK LOCATIONS AND THE EFFORTS, IF  
39 ANY, UNDERTAKEN BY THE DEPARTMENT TO MINIMIZE THE RELOCATION OF ANY  
40 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.