

2129

2011-2012 Regular Sessions

I N A S S E M B L Y

January 14, 2011

Introduced by M. of A. LANCMAN -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to enactment of the juvenile justice community facility violence prevention act

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

1 Section 1. This act shall be known and may be cited as the "juvenile
2 justice community facility violence prevention act".
3 S 2. Legislative findings. According to Child Welfare Watch, a project
4 for the New School for Management and Urban Policy, "Family Court Judges
5 are sending more juvenile delinquents to non-profit run residential
6 treatment centers, with 813 such admissions in 2008, up from 539 in
7 2001." The shift to less secure, privately run residential programs
8 raises safety concerns for youth placed in the facilities, visitors,
9 staff, and the community surrounding the centers. As documented in the
10 Assembly Subcommittee on Workplace Safety's report, "Workplace Safety in
11 the New York State Juvenile Justice System," in June 2009, community
12 residence worker Renee Greco was murdered by a youth placed in a private
13 residential center by the Office of Children and Family Services (OCFS)
14 in Lockport, New York and in January 2009 police officer Anthony DiPonzio
15 was shot in the head by a youth who went AWOL from private residential
16 community placement in Rochester, New York.
17 Currently, one-third of youth sent to community based programs are
18 subsequently redirected to OCFS residential facilities, as determined by
19 OCFS, either because they prove to be too dangerous for private facilities
20 to handle or because private facilities do not have the tools to
21 rehabilitate youth.
22 Implementing violence prevention programs in privately run juvenile
23 justice facilities would greatly benefit the community both inside and
24 outside the facilities. These programs would allow facility management

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

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1 to identify risks of violence and undertake the means to abate those
2 risks.

3 S 3. Paragraph a of subdivision 2 of section 27-b of the labor law, as
4 added by chapter 82 of the laws of 2006, is amended to read as follows:

5 a. "Employer" means: (1) the state; (2) a political subdivision of the
6 state, provided, however that this subdivision shall not mean any
7 employer as defined in section twenty-eight hundred one-a of the educa-
8 tion law; [and] (3) a public authority, a public benefit corporation, or
9 any other governmental agency or instrumentality thereof; AND (4) AN
10 AUTHORIZED AGENCY AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION TEN OF
11 SECTION THREE HUNDRED SEVENTY-ONE OF THE SOCIAL SERVICES LAW THAT
12 ACCEPTS CHILDREN ADJUDICATED DELINQUENT UNDER ARTICLE THREE OF THE FAMI-
13 LY COURT ACT.

14 S 4. This act shall take effect on the one hundred twentieth day after
15 it shall have become a law; provided, however, that effective immediate-
16 ly, the addition, amendment and/or repeal of any rule or regulation
17 necessary for the implementation of this act on its effective date is
18 authorized and directed to be made and completed on or before such
19 effective date.