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

9475

I N A S S E M B L Y

March 5, 2012

Introduced by M. of A. N. RIVERA, AUBRY -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to establishing the pilot project for the placement of inmates close to home; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Short title. This act shall be known and may be cited as the "pilot project for the placement of inmates close to home".

S 2. Legislative intent. The legislature hereby finds and declares that research shows inmates who maintain family ties during incarceration have lower rates of recidivism than inmates who do not. Further, most inmates are parents, and more than 80,000 children in the state of New York have a parent incarcerated in the state prison system.

The legislature further finds that the department of corrections and community supervision should consider proximity to minor children among the key criteria of security and health and program needs when determining prison assignments and transfers of parents, and should support increased access of children to their incarcerated parents through the use of technology and programs currently available within the department.

The legislature therefore declares that there is a need to develop classification criteria that would place inmates in proximity to their family members and home communities, and in particular for those inmates who are parents of minor children in the appropriate correctional facility located closest to those children provided such placement is otherwise appropriate and suitable, and would facilitate increased contact between such inmate and his or her child or children.

S 3. The correction law is amended by adding a new section 72-c to read as follows:

S 72-C. PILOT PROJECT FOR THE PLACEMENT OF INMATES CLOSE TO HOME. 1. THE COMMISSIONER SHALL ESTABLISH A PILOT PROGRAM AT A DESIGNATED CORRECTIONAL FACILITY FOR THE PURPOSE OF HOUSING INMATES WHO ARE PARENTS OF MINOR CHILDREN IN THE CORRECTIONAL FACILITY WHICH IS LOCATED IN CLOSEST

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

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PROXIMITY TO THE PRIMARY PLACE OF RESIDENCE OF ANY SUCH INMATE'S MINOR CHILD OR CHILDREN UNDER EIGHTEEN YEARS OF AGE, PROVIDED THAT SUCH PLACEMENT IS OTHERWISE SUITABLE AND APPROPRIATE PURSUANT TO THE REGULATIONS OF THE DEPARTMENT AND WOULD FACILITATE INCREASED CONTACT BETWEEN SUCH INMATE AND HIS OR HER CHILD OR CHILDREN. FOR PURPOSES OF THIS PILOT PROGRAM, THERE SHALL BE AT LEAST SIXTY INMATES WHO ON A VOLUNTARY BASIS REQUEST PLACEMENT IN THE PILOT PROGRAM AND WHO ARE PARENTS OF MINOR CHILDREN. IN SELECTING SUCH INMATES THE DEPARTMENT SHALL CONSULT WITH THE OFFICE OF CHILDREN AND FAMILY SERVICES AND THE LOCAL DISTRICT OF SOCIAL SERVICES LOCATED IN THE COUNTY WHERE SUCH INMATE'S CHILD RESIDES.

2. THE COMMISSIONER, IN CONSULTATION WITH THE JOHN JAY COLLEGE INSTITUTE FOR CRIMINAL JUSTICE ETHICS OR OTHER SUCH CRIMINAL JUSTICE DIVISION AS THE ADMINISTRATION OF JOHN JAY COLLEGE MAY PROVIDE, SHALL SUBMIT BEGINNING ON THE FIRST OF JANUARY IN THE YEAR TWO THOUSAND FOURTEEN AND EVERY JANUARY THEREAFTER A REPORT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY ON THE EFFECTIVENESS OF THIS PILOT PROJECT AND SHALL INCLUDE AN ANALYSIS OF THE IMPACT ON THE INMATE, HIS OR HER CHILDREN, AND FAMILY PARTICIPANTS INCLUDING SUCH IMPACT ON INSTITUTIONAL SAFETY AND PERFORMANCE AND ANY RECOMMENDATIONS FOR ADDITIONAL LEGISLATIVE ENACTMENTS THAT MAY BE NEEDED OR REQUIRED, TO IMPROVE, ENHANCE AND SUBSEQUENTLY EXPAND THE PROGRAM TO OTHER CORRECTIONAL FACILITIES AS DETERMINED TO BE APPROPRIATE BY THE COMMISSIONER.

3. NO PERSON SHALL HAVE THE RIGHT TO DEMAND OR REQUIRE PARTICIPATION IN THE PILOT PROJECT AUTHORIZED BY THIS SECTION. THE COMMISSIONER MAY REVOKE AT ANY TIME PARTICIPATION IN SUCH PROJECT FOR ANY SERIOUS DISCIPLINARY INFRACTION COMMITTED BY THE INMATE OR FOR ANY FAILURE TO CONTINUE TO PARTICIPATE SUCCESSFULLY IN ANY ASSIGNED WORK AND TREATMENT PROGRAM AFTER PLACEMENT IN SUCH PILOT PROGRAM. ANY ACTION BY THE COMMISSIONER PURSUANT TO THIS SECTION SHALL BE DEEMED A JUDICIAL FUNCTION AND SHALL NOT BE REVIEWABLE IF DONE IN ACCORDANCE WITH LAW.

S 4. This act shall take effect six months after it shall have become a law and shall expire September 1, 2015 when upon such date provisions of this act shall be deemed repealed. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made on or before such date.