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

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I N A S S E M B L Y

May 7, 2014

Introduced by M. of A. ROZIC, BARRETT, MAYER, O'DONNELL -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to the segregated confinement of pregnant inmates

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

Section 1. The opening paragraph of subdivision 6 of section 137 of the correction law, as amended by chapter 1 of the laws of 2008, is amended to read as follows:

Except as provided in paragraphs (d) [and], (e), AND (G) of this subdivision, the superintendent of a correctional facility may keep any inmate confined in a cell or room, apart from the accommodations provided for inmates who are participating in programs of the facility, for such period as may be necessary for maintenance of order or discipline, but in any such case the following conditions shall be observed:

S 2. Subdivision 6 of section 137 of the correction law is amended by adding a new paragraph (g) to read as follows:

(G) AN INMATE KNOWN BY THE DEPARTMENT TO BE PREGNANT SHALL NOT BE PLACED IN SEGREGATED CONFINEMENT OR OTHER RESTRICTED CONFINEMENT UNLESS THERE ARE EXCEPTIONAL CIRCUMSTANCES WHICH WOULD CREATE AN UNACCEPTABLE RISK TO THE SAFETY AND SECURITY OF OTHER INMATES OR STAFF. IN SUCH EXCEPTIONAL CIRCUMSTANCES THE INMATE'S CASE SHALL BE IMMEDIATELY REFERRED TO THE COMMISSIONER FOR REVIEW AND RESOLUTION. IF THE INMATE IS NOT RELEASED FROM SUCH CONFINEMENT UPON THE INITIAL REVIEW, HER PLACEMENT IN SUCH CONFINEMENT SHALL BE REVIEWED WEEKLY THEREAFTER. SUCH INMATE SHALL BE REMOVED FROM SUCH CONFINEMENT AS SOON AS THE EXCEPTIONAL CIRCUMSTANCE NO LONGER POSES AN UNACCEPTABLE RISK TO THE SAFETY AND SECURITY OF OTHER INMATES OR STAFF. SUCH INMATE'S ACCESS TO HEALTH CARE, MENTAL HEALTH CARE AND NUTRITIOUS DIET SHALL NOT BE RESTRICTED FOR DISCIPLINARY REASONS, NOR SHALL ANY INMATE BE DENIED POST-PARTUM HEALTH CARE BECAUSE SHE IS IN SEGREGATED CONFINEMENT OR OTHER RESTRICTED CONFINEMENT.

S 3. This act shall take effect immediately.

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

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