

2341

2013-2014 Regular Sessions

I N   S E N A T E

January 16, 2013

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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 requiring the depart-  
ment of corrections and community supervision to place incarcerated  
parents at correctional institutions and facilities closest to their  
children's home

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

1     Section 1. The opening paragraph of section 158 of the correction law  
2     is designated subdivision 1 and two new subdivisions 2 and 3 are added  
3     to read as follows:  
4     2. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION,  
5     IN DETERMINING PLACEMENT FOR A PERSON IN CUSTODY OF THE DEPARTMENT OF  
6     CORRECTIONS AND COMMUNITY SUPERVISION, THE COMMISSIONER SHALL PLACE SUCH  
7     PERSON IN THE CORRECTIONAL INSTITUTION OR FACILITY WHICH IS LOCATED IN  
8     CLOSEST PROXIMITY TO THE PRIMARY PLACE OF RESIDENCE OF SUCH PERSON'S  
9     MINOR CHILD OR CHILDREN AS DEFINED IN SUBDIVISION THIRTY-ONE OF SECTION  
10    TWO OF THE SOCIAL SERVICES LAW, PROVIDED THAT SUCH PLACEMENT IS SUITABLE  
11    AND APPROPRIATE AND WOULD FACILITATE INCREASED CONTACT BETWEEN SUCH  
12    PERSON AND HIS OR HER CHILD OR CHILDREN AND IS IN THE BEST INTEREST OF  
13    SUCH CHILD OR CHILDREN.  
14    3. TO MAKE A DETERMINATION ABOUT WHETHER SUCH PLACEMENT IS IN THE BEST  
15    INTEREST OF SUCH CHILD OR CHILDREN, PROCEDURES AND CRITERIA FOR ASSESS-  
16    ING SUCH PLACEMENT SHALL BE DEVELOPED BY THE DEPARTMENT OF CORRECTIONS  
17    AND COMMUNITY SUPERVISION IN CONSULTATION WITH THE OFFICE OF PROBATION  
18    AND CORRECTIONAL ALTERNATIVES AND THE OFFICE OF CHILDREN AND FAMILY  
19    SERVICES, IF SUCH PERSON HAS MORE THAN ONE CHILD, THE DEPARTMENT SHALL  
20    MAKE A SEPARATE DETERMINATION FOR EACH INDIVIDUAL CHILD.  
21    S 2. This act shall take effect one year after it shall have become a  
22    law. Effective immediately, the addition, amendment and/or repeal of any  
23    rule or regulation necessary for the implementation of this act on its  
24    effective date is authorized to be made on or before such date.

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

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