

2308

2013-2014 Regular Sessions

I N A S S E M B L Y

January 14, 2013

Introduced by M. of A. CRESPO, 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 provid-
ing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "pilot project for the placement of inmates close to home".
3 S 2. Legislative intent. The legislature hereby finds and declares
4 that research shows inmates who maintain family ties during incarcera-
5 tion have lower rates of recidivism than inmates who do not. Further,
6 most inmates are parents, and more than 80,000 children in the state of
7 New York have a parent incarcerated in the state prison system.
8 The legislature further finds that the department of corrections and
9 community supervision should consider proximity to minor children among
10 the key criteria of security and health and program needs when determin-
11 ing prison assignments and transfers of parents, and should support
12 increased access of children to their incarcerated parents through the
13 use of technology and programs currently available within the depart-
14 ment.
15 The legislature therefore declares that there is a need to develop
16 classification criteria that would place inmates in proximity to their
17 family members and home communities, and in particular for those inmates
18 who are parents of minor children in the appropriate correctional facil-
19 ity located closest to those children provided such placement is other-
20 wise appropriate and suitable, and would facilitate increased contact
21 between such inmate and his or her child or children.
22 S 3. The correction law is amended by adding a new section 72-c to
23 read as follows:

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

LBD02561-01-3

1 S 72-C. PILOT PROJECT FOR THE PLACEMENT OF INMATES CLOSE TO HOME. 1.
2 THE COMMISSIONER SHALL ESTABLISH A PILOT PROGRAM AT A DESIGNATED CORREC-
3 TIONAL FACILITY FOR THE PURPOSE OF HOUSING INMATES WHO ARE PARENTS OF
4 MINOR CHILDREN IN THE CORRECTIONAL FACILITY WHICH IS LOCATED IN CLOSEST
5 PROXIMITY TO THE PRIMARY PLACE OF RESIDENCE OF ANY SUCH INMATE'S MINOR
6 CHILD OR CHILDREN UNDER EIGHTEEN YEARS OF AGE, PROVIDED THAT SUCH PLACE-
7 MENT IS OTHERWISE SUITABLE AND APPROPRIATE PURSUANT TO THE REGULATIONS
8 OF THE DEPARTMENT AND WOULD FACILITATE INCREASED CONTACT BETWEEN SUCH
9 INMATE AND HIS OR HER CHILD OR CHILDREN. FOR PURPOSES OF THIS PILOT
10 PROGRAM, THERE SHALL BE AT LEAST SIXTY INMATES WHO ON A VOLUNTARY BASIS
11 REQUEST PLACEMENT IN THE PILOT PROGRAM AND WHO ARE PARENTS OF MINOR
12 CHILDREN. IN SELECTING SUCH INMATES THE DEPARTMENT SHALL CONSULT WITH
13 THE OFFICE OF CHILDREN AND FAMILY SERVICES AND THE LOCAL DISTRICT OF
14 SOCIAL SERVICES LOCATED IN THE COUNTY WHERE SUCH INMATE'S CHILD RESIDES.

15 2. THE COMMISSIONER, IN CONSULTATION WITH THE JOHN JAY COLLEGE INSTI-
16 TUTE FOR CRIMINAL JUSTICE ETHICS OR OTHER SUCH CRIMINAL JUSTICE DIVISION
17 AS THE ADMINISTRATION OF JOHN JAY COLLEGE MAY PROVIDE, SHALL SUBMIT
18 BEGINNING ON THE FIRST OF JANUARY IN THE YEAR TWO THOUSAND SIXTEEN AND
19 EVERY JANUARY THEREAFTER A REPORT TO THE GOVERNOR, THE TEMPORARY PRESI-
20 DENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY ON THE EFFECTIVENESS
21 OF THIS PILOT PROJECT AND SHALL INCLUDE AN ANALYSIS OF THE IMPACT ON THE
22 INMATE, HIS OR HER CHILDREN, AND FAMILY PARTICIPANTS INCLUDING SUCH
23 IMPACT ON INSTITUTIONAL SAFETY AND PERFORMANCE AND ANY RECOMMENDATIONS
24 FOR ADDITIONAL LEGISLATIVE ENACTMENTS THAT MAY BE NEEDED OR REQUIRED, TO
25 IMPROVE, ENHANCE AND SUBSEQUENTLY EXPAND THE PROGRAM TO OTHER CORREC-
26 TIONAL FACILITIES AS DETERMINED TO BE APPROPRIATE BY THE COMMISSIONER.

27 3. NO PERSON SHALL HAVE THE RIGHT TO DEMAND OR REQUIRE PARTICIPATION
28 IN THE PILOT PROJECT AUTHORIZED BY THIS SECTION. THE COMMISSIONER MAY
29 REVOKE AT ANY TIME PARTICIPATION IN SUCH PROJECT FOR ANY SERIOUS DISCI-
30 PLINARY INFRACTION COMMITTED BY THE INMATE OR FOR ANY FAILURE TO CONTIN-
31 UE TO PARTICIPATE SUCCESSFULLY IN ANY ASSIGNED WORK AND TREATMENT
32 PROGRAM AFTER PLACEMENT IN SUCH PILOT PROGRAM. ANY ACTION BY THE COMMIS-
33 SIONER PURSUANT TO THIS SECTION SHALL BE DEEMED A JUDICIAL FUNCTION AND
34 SHALL NOT BE REVIEWABLE IF DONE IN ACCORDANCE WITH LAW.

35 S 4. This act shall take effect six months after it shall have become
36 a law and shall expire September 1, 2016 when upon such date provisions
37 of this act shall be deemed repealed. Effective immediately, the addi-
38 tion, amendment and/or repeal of any rule or regulation necessary for
39 the implementation of this act on its effective date is authorized to be
40 made on or before such date.