

9286

I N A S S E M B L Y

April 7, 2014

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

AN ACT to amend the correction law, in relation to requiring structured
out-of-cell programming for adolescents in segregated disciplinary
confinement

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 subdivision 6 of section 137 of
2 the correction law, as amended by chapter 1 of the laws of 2008, is
3 amended to read as follows:
4 Except as provided in paragraphs (d) [and], (e) AND (G) of this subdi-
5 vision, the superintendent of a correctional facility may keep any
6 inmate confined in a cell or room, apart from the accommodations
7 provided for inmates who are participating in programs of the facility,
8 for such period as may be necessary for maintenance of order or disci-
9 pline, but in any such case the following conditions shall be observed:
10 S 2. Subdivision 6 of section 137 of the correction law is amended by
11 adding a new paragraph (g) to read as follows:
12 (G) ANY INMATE UNDER THE AGE OF TWENTY-ONE WHO IS IN SEGREGATED DISCI-
13 PLINARY CONFINEMENT MUST BE OFFERED AT LEAST FOUR HOURS A DAY OF STRUC-
14 TURED OUT-OF-CELL PROGRAMMING, IN ADDITION TO EXERCISE, AND MAY BE
15 PROVIDED WITH ADDITIONAL OUT-OF-CELL ACTIVITIES FOR GOOD BEHAVIOR. THE
16 INMATE'S EDUCATION, MENTAL HEALTH AND OTHER PROGRAMMING NEEDS MUST BE
17 ADDRESSED DURING ANY SUCH PERIOD OF SEGREGATED CONFINEMENT AND THE
18 INMATE MUST BE GIVEN SIGNIFICANT DAILY OPPORTUNITY TO ENGAGE IN PHYSICAL
19 ACTIVITY. NO SUCH INMATE SHALL BE KEPT IN PUNITIVE ISOLATION NOR SHALL
20 ANY SUCH INMATE LOSE GOOD TIME AS A SANCTION FOR MISBEHAVIOR, BE DENIED
21 TELEPHONE CALLS OR VISITS OR BE PLACED ON A RESTRICTIVE DIET. SUCH
22 INMATES MAY NOT BE HOUSED IN A SPECIAL HOUSING UNIT FOR ADULTS UNLESS
23 THERE ARE EXCEPTIONAL CIRCUMSTANCES WHICH WOULD CREATE AN UNACCEPTABLE
24 RISK TO THE SAFETY AND SECURITY OF OTHER INMATES OR STAFF. IN SUCH
25 EXCEPTIONAL CIRCUMSTANCES THE INMATE'S CASE SHALL BE IMMEDIATELY
26 REFERRED TO THE COMMISSIONER FOR REVIEW AND RESOLUTION. ANY SUCH PLACE-
27 MENT IN AN ADULT SPECIAL HOUSING UNIT SHALL NOT EXCEED FIVE DAYS.
28 S 3. This act shall take effect on the one hundred eightieth day after
29 it shall have become a law.

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

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