

9550

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:

- 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
5 subdivision, 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) AN INMATE KNOWN BY THE DEPARTMENT TO BE PREGNANT SHALL NOT BE
13 PLACED IN SEGREGATED CONFINEMENT OR OTHER RESTRICTED CONFINEMENT UNLESS
14 THERE ARE EXCEPTIONAL CIRCUMSTANCES WHICH WOULD CREATE AN UNACCEPTABLE
15 RISK TO THE SAFETY AND SECURITY OF OTHER INMATES OR STAFF. IN SUCH
16 EXCEPTIONAL CIRCUMSTANCES THE INMATE'S CASE SHALL BE IMMEDIATELY
17 REFERRED TO THE COMMISSIONER FOR REVIEW AND RESOLUTION. IF THE INMATE IS
18 NOT RELEASED FROM SUCH CONFINEMENT UPON THE INITIAL REVIEW, HER PLACE-
19 MENT IN SUCH CONFINEMENT SHALL BE REVIEWED WEEKLY THEREAFTER. SUCH
20 INMATE SHALL BE REMOVED FROM SUCH CONFINEMENT AS SOON AS THE EXCEPTIONAL
21 CIRCUMSTANCE NO LONGER POSES AN UNACCEPTABLE RISK TO THE SAFETY AND
22 SECURITY OF OTHER INMATES OR STAFF. SUCH INMATE'S ACCESS TO HEALTH CARE,
23 MENTAL HEALTH CARE AND NUTRITIOUS DIET SHALL NOT BE RESTRICTED FOR
24 DISCIPLINARY REASONS, NOR SHALL ANY INMATE BE DENIED POST-PARTUM HEALTH
25 CARE BECAUSE SHE IS IN SEGREGATED CONFINEMENT OR OTHER RESTRICTED
26 CONFINEMENT.
27 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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