

2341

2013-2014 Regular Sessions

I N S E N A T E

January 16, 2013

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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