S T A T E O F N E W Y O R K

7462

I N S E N A T E

May 15, 2014

Introduced by Sen. GALLIVAN -- 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 structured out-of-cell programming for adolescents in segregated disciplinary confinement

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

Section 1. The opening paragraph of subdivision 6 of section 137 of the correction law, as amended by chapter 1 of the laws of 2008, is amended to read as follows:

Except as provided in paragraphs (d) [and], (e) AND (G) of this subdivision, the superintendent of a correctional facility may keep any inmate confined in a cell or room, apart from the accommodations provided for inmates who are participating in programs of the facility, for such period as may be necessary for maintenance of order or discipline, but in any such case the following conditions shall be observed:

S 2. Subdivision 6 of section 137 of the correction law is amended by adding a new paragraph (g) to read as follows:

(G) CONTINGENT ON THE DEPARTMENT'S ABILITY TO SECURE THE NECESSARY FUNDING, THE DEPARTMENT SHALL ENSURE THAT EVEN UNDER THE MOST RESTRICTIVE FORM OF DISCIPLINARY HOUSING, SIXTEEN AND SEVENTEEN YEAR OLD INMATES SHALL FIVE DAYS A WEEK BE OFFERED OUT-OF-CELL PROGRAMMING AND OUTDOOR EXERCISE, LIMITING TIME IN THEIR CELLS TO NINETEEN HOURS A DAY, EXCEPT IN EXCEPTIONAL CIRCUMSTANCES TO BE DETERMINED BY THE COMMISSIONER.

S 3. This act shall take effect on the one hundred eightieth day after 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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