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I N   S E N A T E

May 23, 2014

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Introduced by Sens. NOZZOLIO, BALL, BONACIC, BOYLE, GALLIVAN, GOLDEN, GRIFFO, HANNON, LANZA, LARKIN, LITTLE, MARCELLINO, MARTINS, MAZIARZ, O'MARA, RITCHIE, ROBACH, SAVINO, SEWARD, VALESKY, YOUNG -- 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 regional treatment facilities

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

1     Section 1. Section 72-a of the correction law, as amended by section 7  
2 of subpart B of part C of chapter 62 of the laws of 2011, is amended to  
3 read as follows:  
4     S 72-a. [Community] REGIONAL treatment facilities. 1. Transfer of  
5 eligible inmate. Notwithstanding the provisions of section seventy-two  
6 of this [chapter] ARTICLE, any inmate confined in a correctional facility  
7 who is an "eligible inmate" as defined by subdivision two of section  
8 eight hundred fifty-one of this chapter and has been certified by the  
9 [division of] OFFICE OF ALCOHOLISM AND substance abuse services as being  
10 in need of substance abuse treatment and rehabilitation may be transferred  
11 by the commissioner to a [community] REGIONAL treatment facility.  
12     2. Designation of facilities. [A community treatment facility shall be  
13 designated by the director of the division of substance abuse services  
14 and the commissioner. Such facility shall be operated by a provider or  
15 sponsoring agency that has provided approved residential substance abuse  
16 treatment services for at least two years duration.] NOTWITHSTANDING ANY  
17 LAW TO THE CONTRARY OR THE CLOSURE OR IMPENDING CLOSURE OF CERTAIN  
18 CORRECTIONAL FACILITIES, THE COMMISSIONER IS DIRECTED TO FACILITATE THE  
19 USE OF FACILITIES AT BUTLER CORRECTIONAL FACILITY IN RED CREEK, NEW  
20 YORK, MONTEREY CORRECTIONAL FACILITY IN SCHUYLER COUNTY, CHATEAUGAY  
21 CORRECTIONAL FACILITY IN FRANKLIN COUNTY, AND MT. MCGREGOR CORRECTIONAL  
22 FACILITY IN SARATOGA COUNTY, AS REGIONAL TREATMENT FACILITIES. SUCH  
23 FACILITIES MUST BE OPERATED BY THE DEPARTMENT OR THE OFFICE OF ALCOHOL-  
24 ISM AND SUBSTANCE ABUSE SERVICES.

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

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1 3. Operating standards. The commissioner, after consultation with the  
2 [director] COMMISSIONER of the [division of] OFFICE OF ALCOHOLISM AND  
3 substance abuse services, shall promulgate rules and regulations which  
4 provide for minimum standards of operation, including but not limited to  
5 the following:

6 (a) provision for adequate security and protection of the surrounding  
7 community;

8 (b) adequate physical plant standards;

9 (c) provisions for adequate program services, staffing, and record  
10 keeping; and

11 (d) provision for the general welfare of the inmates.

12 4. Community supervision. The department shall provide for the  
13 provision of community supervision services. All inmates residing in a  
14 [community] REGIONAL treatment facility shall be assigned to parole  
15 officers for supervision. Such parole officers shall be responsible for  
16 providing such supervision.

17 5. Reports. The department and the [division of] OFFICE OF ALCOHOLISM  
18 AND substance abuse services shall jointly issue quarterly reports  
19 including a description of those facilities that have been designated as  
20 [community] REGIONAL treatment facilities, the number of inmates  
21 confined in each facility, a description of the programs within each  
22 facility, and the number of absconders, if any, as well as the nature  
23 and number of re-arrests, if any, during the individual's period of  
24 community supervision. Copies of such reports, as well as copies of any  
25 inspection report issued by the department or the commission of  
26 correction shall be sent to the director of the budget, the chairman of  
27 the senate finance committee, the chairman of the senate crime VICTIMS,  
28 CRIME and correction committee, THE CHAIRMAN OF THE SENATE CODES COMMIT-  
29 TEE, the chairman of the assembly ways and means committee and the  
30 chairman of the assembly committee on codes.

31 6. Reimbursement. (a) [The] IF THE AFOREMENTIONED REGIONAL TREATMENT  
32 FACILITIES ARE OPERATED BY THE commissioner, THE COMMISSIONER in consul-  
33 tation with the [director] COMMISSIONER of the [division of] OFFICE OF  
34 ALCOHOLISM AND substance abuse services, shall enter into an agreement  
35 with the [division of] OFFICE OF ALCOHOLISM AND substance abuse services  
36 whereby the [division of] OFFICE OF ALCOHOLISM AND substance abuse  
37 services will contract with [community] treatment PROVIDERS TO BE  
38 LOCATED AT THE facilities for provision of services pursuant to this  
39 section [within amounts made available by the department]. Each contract  
40 shall provide for frequent visitation, inspection of the facility, and  
41 enforcement of the minimum standards and shall authorize the supervision  
42 of inmates residing in a community treatment facility by parole offi-  
43 cers.

44 (b) The commissioner shall promulgate rules and regulations specifying  
45 those costs related to the general operation of community treatment  
46 facilities that shall be eligible for reimbursement. Such eligible  
47 costs shall not include debt service, whether principal or interest, or  
48 costs for which state or federal aid or reimbursement is otherwise  
49 available. Such rules and regulations shall be subject to the approval  
50 of the director of the budget.

51 (c) The department shall not contract for provision of services to  
52 more than [fifty] TWO HUNDRED FIFTY inmates at any one facility.

53 (d) At least thirty days prior to final approval of any such contract,  
54 a copy of the proposed contract shall be sent to the director of the  
55 budget, the chairman of the senate finance committee, the chairman of  
56 the senate crime VICTIMS, CRIME and correction committee, THE CHAIRMAN

1 OF THE SENATE CODES COMMITTEE, the chairman of the assembly ways and  
2 means committee, and the chairman of the assembly committee on codes.

3 S 2. Subdivision 14 of section 2 of the correction law, as amended by  
4 chapter 558 of the laws of 1999, is amended to read as follows:

5 14. "[Community] REGIONAL treatment [facility] FACILITIES." [A resi-  
6 dential chemical dependence facility] NOTWITHSTANDING ANY LAW TO THE  
7 CONTRARY OR THE CLOSURE OR IMPENDING CLOSURE OF CERTAIN CORRECTIONAL  
8 FACILITIES, THE COMMISSIONER IS DIRECTED TO FACILITATE THE USE OF FACIL-  
9 ITIES AT BUTLER CORRECTIONAL FACILITY IN RED CREEK, NEW YORK, MONTEREY  
10 CORRECTIONAL FACILITY IN SCHUYLER COUNTY, CHATEAUGAY CORRECTIONAL FACIL-  
11 ITY IN FRANKLIN COUNTY, AND MT. MCGREGOR CORRECTIONAL FACILITY IN SARA-  
12 TOGA COUNTY, AS REGIONAL TREATMENT FACILITIES. SUCH FACILITIES MAY BE  
13 approved as provided in section 32.01 of the mental hygiene law or  
14 pursuant to section 32.31 of such law used exclusively to provide  
15 substance abuse treatment services to persons eligible pursuant to  
16 section seventy-two-a of this chapter and who are otherwise eligible for  
17 temporary release pursuant to subdivision two of section eight hundred  
18 fifty-one of this chapter. These facilities shall [be separate and  
19 distinct so as not to replace] REPLACE existing COMMUNITY TREATMENT  
20 FACILITIES FOR substance abuse treatment services.

21 S 3. This act shall take effect immediately provided, however, that  
22 the amendments to section 72-a of the correction law made by section one  
23 of this act shall not affect the expiration of such section and shall be  
24 deemed to expire therewith; provided, further, that the amendments to  
25 subdivision 14 of section 2 of the correction law made by section two of  
26 this act shall not affect the expiration of such subdivision and shall  
27 be deemed to expire therewith.