

1346--B

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 12, 2015

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Introduced by M. of A. O'DONNELL, LUPARDO, ABINANTI, JAFFEE, FAHY, MOSLEY, STECK, BARRETT, STIRPE, GOTTFRIED, SCHIMEL, LIFTON, WEPRIN, BICHOTTE, DAVILA, BARRON, WALKER, ORTIZ, HARRIS -- Multi-Sponsored by -- M. of A. PERRY, SIMON, SKARTADOS -- read once and referred to the Committee on Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- ordered to a third reading -- committed to the Committee on Correction in accordance with Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law, in relation to segregated confinement

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

1     Section 1. Subdivision 23 of section 2 of the correction law, as added  
2     by chapter 1 of the laws of 2008, is amended to read as follows:  
3     23. "Segregated confinement" means the [disciplinary] confinement of  
4     an inmate in a special housing unit or in a separate keeplock housing  
5     unit. Special housing units and separate keeplock units are housing  
6     units that consist of cells grouped so as to provide separation from the  
7     general population, and may be used to house inmates confined pursuant  
8     to the disciplinary procedures described in regulations.  
9     S 2. The opening paragraph of subdivision 6 of section 137 of the  
10    correction law, as amended by chapter 1 of the laws of 2008, is amended  
11    and two new paragraphs (g) and (h) are added to read as follows:  
12    Except as provided in paragraphs (d) [and], (e), (G) AND (H) of this  
13    subdivision, AS A MEASURE OF LAST RESORT, the superintendent of a  
14    correctional facility, UNDER SUPERVISION OF THE COMMISSIONER, may keep  
15    any inmate confined in a cell or room, apart from the accommodations  
16    provided for inmates who are participating in programs of the facility,  
17    for such MINIMAL period as may be necessary for maintenance of order or

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

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1 discipline, but in any such case the following conditions shall be  
2 observed:

3 (G) SEGREGATED CONFINEMENT IS PROHIBITED FOR THE FOLLOWING INMATES:

4 (I) JUVENILES UNDER THE AGE OF TWENTY-ONE;

5 (II) ANY PERSON WITH A MENTAL ILLNESS OR A DEVELOPMENTAL DISABILITY AS  
6 DEFINED IN SECTION 1.03 OF THE MENTAL HYGIENE LAW; AND

7 (III) ANY PERSON WHO HAS A PERMANENT PHYSICAL DISABILITY DOCUMENTED IN  
8 HIS OR HER MEDICAL RECORDS THAT SUBSTANTIALLY LIMITS ONE OR MORE MAJOR  
9 LIFE ACTIVITIES. FOR THE PURPOSES OF THIS SUBDIVISION, "MAJOR LIFE  
10 ACTIVITIES" MEANS FUNCTIONS SUCH AS WALKING, SEEING, HEARING AND SPEAK-  
11 ING.

12 (H) THE COMMISSIONER SHALL COMPILE AND PUBLISH COMPREHENSIVE DISAGGRE-  
13 GATED DATA ON THE USE OF SEGREGATED CONFINEMENT, INCLUDING RELATED  
14 SUICIDE ATTEMPTS AND SELF-HARM, ON A QUARTERLY BASIS.

15 S 3. Subdivision 3 of section 138 of the correction law, as added by  
16 chapter 231 of the laws of 1975, is amended to read as follows:

17 3. Facility rules shall be specific and precise giving all inmates  
18 actual notice of the conduct prohibited. Facility rules shall state the  
19 range of disciplinary sanctions which can be imposed for violation of  
20 each rule BUT ANY SANCTION OF SEGREGATED CONFINEMENT SHALL BE FOR THE  
21 MINIMUM PERIOD NECESSARY FOR THE MAINTENANCE OF ORDER OR DISCIPLINE.

22 S 4. This act shall take effect on the one hundred eightieth day after  
23 it shall have become a law.