

1016--A

2015-2016 Regular Sessions

I N S E N A T E

January 8, 2015

Introduced by Sens. MONTGOMERY, AVELLA, KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- recommitted to the Committee on Crime Victims, Crime and Correction in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law, in relation to requiring the department 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 ASSEMBLY, 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,
6 WHENEVER PRACTICABLE THE COMMISSIONER SHALL PLACE SUCH PERSON IN THE
7 CORRECTIONAL INSTITUTION OR FACILITY WHICH IS LOCATED IN CLOSEST PROXIM-
8 ITY TO THE PRIMARY PLACE OF RESIDENCE OF SUCH PERSON'S MINOR CHILD OR
9 CHILDREN AS DEFINED IN SUBDIVISION THIRTY-ONE OF SECTION TWO OF THE
10 SOCIAL SERVICES LAW, PROVIDED THAT SUCH PLACEMENT IS SUITABLE AND APPRO-
11 PRIATE AND WOULD FACILITATE INCREASED CONTACT BETWEEN SUCH PERSON AND
12 HIS OR HER CHILD OR CHILDREN AND IS IN THE BEST INTEREST OF SUCH CHILD
13 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 IN CONSULTATION
17 WITH THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES AND THE
18 OFFICE OF CHILDREN AND FAMILY SERVICES. IF SUCH PERSON HAS MORE THAN ONE

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

LBD00748-03-6

1 CHILD, THE DEPARTMENT SHALL MAKE A SEPARATE DETERMINATION FOR EACH INDI-
2 VIDUAL CHILD.

3 S 2. This act shall take effect one year after it shall have become a
4 law. Effective immediately, the addition, amendment and/or repeal of any
5 rule or regulation necessary for the implementation of this act on its
6 effective date are authorized to be made on or before such date.