

2467

2015-2016 Regular Sessions

I N A S S E M B L Y

January 16, 2015

Introduced by M. of A. O'DONNELL, PERRY -- read once and referred to the
Committee on 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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The opening paragraph of subdivision 6 of section 137 of
2 the correction law, as amended by chapter 1 of the laws of 2008, is
3 amended to read as follows:
4 Except as provided in paragraphs (d) [and], (e) AND (G) of this subdi-
5 vision, the superintendent of a correctional facility may keep any
6 inmate confined in a cell or room, apart from the accommodations
7 provided for inmates who are participating in programs of the facility,
8 for such period as may be necessary for maintenance of order or disci-
9 pline, but in any such case the following conditions shall be observed:
10 S 2. Subdivision 6 of section 137 of the correction law is amended by
11 adding a new paragraph (g) to read as follows:
12 (G) ANY INMATE UNDER THE AGE OF TWENTY-ONE WHO IS IN SEGREGATED DISCI-
13 PLINARY CONFINEMENT MUST BE OFFERED AT LEAST FOUR HOURS A DAY OF STRUC-
14 TURED OUT-OF-CELL PROGRAMMING, IN ADDITION TO EXERCISE, AND MAY BE
15 PROVIDED WITH ADDITIONAL OUT-OF-CELL ACTIVITIES FOR GOOD BEHAVIOR. THE
16 INMATE'S EDUCATION, MENTAL HEALTH AND OTHER PROGRAMMING NEEDS MUST BE
17 ADDRESSED DURING ANY SUCH PERIOD OF SEGREGATED CONFINEMENT AND THE
18 INMATE MUST BE GIVEN SIGNIFICANT DAILY OPPORTUNITY TO ENGAGE IN PHYSICAL
19 ACTIVITY. NO SUCH INMATE SHALL BE KEPT IN PUNITIVE ISOLATION, BE DENIED
20 TELEPHONE CALLS OR VISITS OR BE PLACED ON A RESTRICTIVE DIET AS A SANC-
21 TION FOR MISBEHAVIOR. SUCH INMATES MAY NOT BE HOUSED IN A SPECIAL HOUS-
22 ING UNIT FOR ADULTS UNLESS THERE ARE EXCEPTIONAL CIRCUMSTANCES WHICH
23 WOULD CREATE AN UNACCEPTABLE RISK TO THE SAFETY AND SECURITY OF OTHER
24 INMATES OR STAFF. IN SUCH EXCEPTIONAL CIRCUMSTANCES THE INMATE'S CASE

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

LBD04809-01-5

1 SHALL BE IMMEDIATELY REFERRED TO THE COMMISSIONER FOR REVIEW AND RESOL-
2 UTION. ANY SUCH PLACEMENT IN AN ADULT SPECIAL HOUSING UNIT SHALL NOT
3 EXCEED FIFTEEN DAYS.
4 S 3. This act shall take effect on the one hundred eightieth day after
5 it shall have become a law.