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

435

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

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 pregnant inmates

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) FOR AN INMATE KNOWN BY THE DEPARTMENT TO BE PREGNANT, THERE SHALL BE A PRESUMPTION AGAINST PLACEMENT IN SEGREGATED CONFINEMENT OR OTHER RESTRICTED CONFINEMENT UNLESS THERE ARE EXCEPTIONAL CIRCUMSTANCES WHICH WOULD CREATE AN UNACCEPTABLE RISK TO THE SAFETY AND SECURITY OF OTHER INMATES OR STAFF.

S 3. This act shall take effect immediately.

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

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