

5900--A

2015-2016 Regular Sessions

I N S E N A T E

June 10, 2015

Introduced by Sen. HASSELL-THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- 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 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
18 discipline, but in any such case the following conditions shall be
19 observed:
20 (G) SEGREGATED CONFINEMENT IS PROHIBITED FOR THE FOLLOWING INMATES:
21 (I) JUVENILES UNDER THE AGE OF TWENTY-ONE;

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

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

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

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

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

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

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