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

6217

I N S E N A T E

(PREFILED)

January 6, 2016

Introduced by Sen. HAMILTON -- 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 evaluation of inmates housed or confined in segregated confinement; and to establish the task force on determining alternatives to segregated confinement

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

Section 1. The correction law is amended by adding a new section 137-a to read as follows:

S 137-A. SEGREGATED CONFINEMENT; INMATE EVALUATION. 1. ANY INMATE HOUSED OR CONFINED IN SEGREGATED CONFINEMENT AT A CORRECTIONAL FACILITY SHALL, PRIOR TO SUCH CONFINEMENT, BE EVALUATED BY A HEALTH CARE PROFESSIONAL LICENSED PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE OR ONE HUNDRED SIXTY-THREE OF THE EDUCATION LAW. SUCH HEALTH CARE PRACTITIONER SHALL DETERMINE WHETHER OR NOT THE PLACEMENT OF SUCH INMATE IN SEGREGATED CONFINEMENT POSES A SUBSTANTIAL RISK OF HARM TO SUCH INMATE AND IF SUCH A RISK IS PRESENT, SHALL DISALLOW SUCH HOUSING OR CONFINEMENT.

2. ANY INMATE HOUSED OR CONFINED IN SEGREGATED CONFINEMENT AT A CORRECTIONAL FACILITY SHALL, AT LEAST ONCE EVERY FIVE DAYS DURING SUCH CONFINEMENT, BE EVALUATED BY A HEALTH CARE PROFESSIONAL LICENSED PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE OR ONE HUNDRED SIXTY-THREE OF THE EDUCATION LAW. SUCH HEALTH CARE PRACTITIONER SHALL DETERMINE WHETHER OR NOT THE CONTINUED HOUSING OR CONFINEMENT OF SUCH INMATE IN SEGREGATED CONFINEMENT POSES A SUBSTANTIAL RISK OF HARM TO SUCH INMATE AND IF SUCH A RISK IS PRESENT, SHALL TERMINATE SUCH HOUSING OR CONFINEMENT.

3. FOR PURPOSES OF THIS SECTION THE TERM "CORRECTIONAL FACILITY" SHALL HAVE THE SAME MEANING SET FORTH IN SUBDIVISION THREE OF SECTION FORTY OF THIS CHAPTER AND THE TERM "SEGREGATED CONFINEMENT" SHALL HAVE THE SAME MEANING SET FORTH IN SUBDIVISION TWENTY-THREE OF SECTION TWO OF THIS CHAPTER.

S 2. 1. The task force on determining alternatives to segregated confinement is hereby established to examine, evaluate and determine

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

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various and appropriate alternatives to segregated confinement at state and local correctional facilities and how to specifically attend to inmates who pose disciplinary problems, suffer from mental illness or are under the age of twenty-one.

2. (a) Such task force shall consist of seven members who shall be appointed as follows: one shall be appointed by the governor; one shall be appointed by the temporary president of the senate; one shall be appointed by the minority leader of the senate; one shall be appointed by the speaker of the assembly; one shall be appointed by the minority leader of the assembly; one shall be appointed by the commissioner of corrections and community supervision; and one shall be appointed by the commissioner of mental health. Appointments shall be made within sixty days of the effective date of this section. Vacancies in the task force shall be filled in the manner provided for original appointments.

(b) All appointees shall have expertise in fields or disciplines related to corrections and/or mental health. All appointments shall be coordinated to ensure geographic representation from the entire state.

(c) The task force shall be chaired by the member appointed by the governor. The task force shall elect a vice-chair and other necessary officers from among all appointed members.

(d) A majority of the members of the task force then in office shall constitute a quorum for the transaction of business or the exercise of any power or function of the task force. An act, determination or decision of the majority of the members present during the presence of a quorum shall be held to be the act, determination, or decision of the task force.

(e) The task force shall meet at least quarterly at the call of the chair. Meetings may be held via teleconference. Special meetings may be called by the chair at the request of a majority of the members of the task force.

(f) Members of the task force shall receive no compensation for their services but shall be reimbursed for their actual expenses incurred in the performance of their duties in the work of the task force.

3. The task force established shall study and develop alternatives and new approaches to segregated confinement at state and local correctional facilities.

4. The task force may, as it deems appropriate, request that studies, surveys, or analyses relating to the task force's powers and duties be performed by any state department, commission, agency or public authority. All state departments, commissions, agencies or public authorities shall provide information and advice in a timely manner and otherwise assist the task force with its work.

5. The task force shall submit a request for any appropriation as shall be necessary to enable the task force to perform its functions and duties to the governor, director of the division of the budget, and chairpersons of the senate finance committee and the assembly ways and means committee. The department of corrections shall provide staff services to the task force and such other administrative assistance as may be necessary for the task force to carry out its duties, functions and powers.

6. The task force may hold public hearings, take testimony and make investigations at such places as it deems necessary.

7. The task force shall make a preliminary report to the governor and the legislature of its findings, conclusions, recommendations and activities already undertaken by the task force, not later than January first, two thousand sixteen, and a final report of its findings, conclu-

sions, recommendations and activities already undertaken by the task force, not later than January first, two thousand seventeen and shall submit with its reports legislative proposals as it deems necessary to implement its recommendations.

S 3. This act shall take effect immediately; provided that section one of this act shall take effect on the ninetieth day after it shall have become a law.