

STATE OF NEW YORK

5494--A

2017-2018 Regular Sessions

IN SENATE

April 3, 2017

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law and the executive law, in relation to enrolling inmates into programs

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Subdivision 1 of section 137 of the correction law, as
2 added by chapter 476 of the laws of 1970, is amended to read as follows:
3 1. The commissioner shall establish program and classification proce-
4 dures designed to assure the complete study of the background and condi-
5 tion of each inmate in the care or custody of the department and the
6 assignment of such inmate to a program that is most likely to be useful
7 in assisting him to refrain from future violations of the law. Such
8 procedures shall be incorporated into the rules and regulations of the
9 department and shall require among other things: consideration of the
10 physical, mental and emotional condition of the inmate; consideration of
11 his educational and vocational needs; enrollment of each inmate in
12 assigned programs as soon as practicable; consideration of the danger he
13 presents to the community or to other inmates; the recording of contin-
14 uous case histories including notations as to apparent success or fail-
15 ure of treatment employed; and periodic review of case histories and
16 treatment methods used.
- 17 § 2. Subdivision 1 of section 259-1 of the executive law, as amended
18 by section 38-j of subpart A of part C of chapter 62 of the laws of
19 2011, is amended to read as follows:
20 1. It shall be the duty of the commissioner of corrections and commu-
21 nity supervision to [~~insure~~] ensure that all officers and employees of
22 the department shall at all times cooperate with the board of parole and
23 shall furnish to such members of the board and employees of the board

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

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1 such information as may be appropriate to enable them to perform their
2 independent decision making functions. It is also his or her duty to
3 ensure that the functions of the board of parole are not hampered in any
4 way, including but not limited to: a restriction of resources including
5 staff assistance; limited access to vital information; and presentation
6 of inmate information in a manner that may inappropriately influence the
7 board in its decision making. Where an inmate has appeared before the
8 board prior to having completed any program assigned by the department,
9 and where the board has denied such inmate release pursuant to paragraph
10 (a) of subdivision two of section two hundred fifty-nine-i of this arti-
11 cle, the department shall prioritize such inmate's immediate placement
12 into the assigned program.

13 § 3. This act shall take effect immediately.