STATE OF NEW YORK

1905--A

Cal. No. 19

2017-2018 Regular Sessions

IN ASSEMBLY

January 13, 2017

Introduced by M. of A. O'DONNELL, WEPRIN, DILAN -- read once and referred to the Committee on Correction -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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:

Section 1. Subdivision 23 of section 2 of the correction law, as added by chapter 1 of the laws of 2008, is amended to read as follows:

23. "Segregated confinement" means the [~~disciplinary~~] confinement of an inmate in a special housing unit or in a separate keeplock housing unit. Special housing units and separate keeplock units are housing units that consist of cells grouped so as to provide separation from the general population, and may be used to house inmates confined pursuant to the disciplinary procedures described in regulations.

§ 2. 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 and two new paragraphs (g) and (h) are added to read as follows:

Except as provided in paragraphs (d) [~~and~~], (e)**, (g) and (h)** of this subdivision, **as a measure of last resort,** the superintendent of a **state** correctional facility**, under supervision of the commissioner, or the sheriff of a local 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 **minimal** period as may be necessary for maintenance of order or discipline, but in any such case the following conditions shall be observed:

(g) Segregated confinement is prohibited for the following inmates:

(i) juveniles under the age of twenty-one;

(ii) any person with a mental illness or a developmental disability as defined in section 1.03 of the mental hygiene law; and

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

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(iii) any person who has a permanent physical disability documented in his or her medical records that substantially limits one or more major life activities. For the purposes of this subdivision, "major life activities" means functions such as walking, seeing, hearing and speaking.

(h) The commissioner shall compile and publish comprehensive disaggregated data on the use of segregated confinement, including related suicide attempts and self-harm, on a quarterly basis.

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

3. Facility rules shall be specific and precise giving all inmates actual notice of the conduct prohibited. Facility rules shall state the range of disciplinary sanctions which can be imposed for violation of each rule **but any sanction of segregated confinement shall be for the minimum period necessary for the maintenance of order or discipline**.

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