STATE OF NEW YORK

2978

2017-2018 Regular Sessions

IN ASSEMBLY

January 23, 2017

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to the transfer of certain inmates

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 530 to read as follows:

§ 530. Transfer of certain inmates. 1. Notwithstanding any provision of law to the contrary, any inmate in the custody of the commissioner of correction for the city of New York who, having been in such custody for a period of at least three hundred sixty-five consecutive days, engaged in conduct for which he or she was subject to a disciplinary proceeding resulting in a determination of guilt for an offense described in subdivision four of this section and such determination was not overturned on the appeal, if any, taken from such determination, shall be subject to transfer to a state correctional institution. The commissioner, as the chief administrative officer, shall within two days of the expiration of the period of time for such inmate to appeal from such determination or the denial of such inmate's appeal, whichever is later, submit a written request to the commission of correction for a substitute jail order for such inmate. Upon receipt of such request, the commission shall issue the requested substitute jail order within two days and such inmate shall be transferred to a state correctional institution in accordance with the rules and regulations promulgated by the commission governing the temporary transfer of inmates to state correctional institutions from county jails, and if no such rules and regulations have been promulgated, such inmate shall be transferred to the nearest correctional facility, to the maximum extent practicable, taking into account necessary security until such inmate is no longer in the custody of the commissioner.

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

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2. When the distance between the city of New York correctional institution from which an inmate is transferred and the state correctional institution to which an inmate is transferred exceeds one hundred miles, such inmate shall be afforded the opportunity to meet with his or her counsel at the state correctional facility closest to the city of New York. Such inmate shall be transported to such state correctional facility to meet with his or her counsel, and upon conclusion of such meeting, such inmate shall be transported to the state correctional facility to which he or she was transferred pursuant to this section.

3. The commissioner of corrections and community supervision shall, based on standards promulgated by the department, determine whether the city of New York shall reimburse the state for any or all of the actual costs of confinement as approved by the director of the division of the budget.

4. For the purposes of this section, the term "offense" shall mean:

(a) assault resulting in the physical injury of another person;

(b) assault using a weapon, regardless of whether such assault results in physical injury;

(c) possession of a razor outside of the housing area to which the possessor was confined;

(d) rape or sexual abuse of another person; or

(e) attempted rape or sexual abuse of another person.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law.