STATE OF NEW YORK

7944

2019-2020 Regular Sessions

IN ASSEMBLY

May 29, 2019

Introduced by M. of A. WEPRIN -- (at request of the State Commission of Correction) -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to the designation of a substitute jail for programmatic purposes

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

Section 1. Subdivision 1 of section 504 of the correction law, as amended by chapter 799 of the laws of 1974, is amended to read as follows:

1. **(a)** If there is no jail in a county, or the jail becomes unfit or unsafe for the confinement of some or all of the inmates, civil or criminal, or is destroyed by fire or otherwise, or if a pestilential disease breaks out in the jail or in the vicinity of the jail and the physician to the jail certifies that it is likely to endanger the health of any or all of the inmates in the jail, the state commission of correction, upon application, must, by an instrument in writing, filed with the clerk of the county, designate another suitable place within the county, or the jail of any other county, for the confinement of some or all of the inmates, as the case requires. The place so designated thereupon becomes, to all intents and purposes, except as otherwise prescribed in this article, the jail of the county for which it has been so designated, and the purposes expressed in the instrument designating the same. The designation may be amended, modified or revoked by the state commission of correction by a subsequent instrument in writing filed with the clerk of the county.

(b) If transfer to the jail of another county would allow for an inmate's participation in beneficial programming, the state commission of correction, upon application and the consent of such inmate and any involved sheriff, may, by an instrument in writing, filed with the clerk of the county, designate the jail of such other county, for the confinement of such inmate, as the case requires. The jail so designated there-

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

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upon becomes, to all intents and purposes, except as otherwise prescribed in this article, the jail of the county for which it has been so designated, and the purposes expressed in the instrument designating the same. The designation may be amended, modified or revoked by the state commission of correction by a subsequent instrument in writing filed with the clerk of the county.

§ 2. This act shall take effect immediately.