

# STATE OF NEW YORK

1341

2019-2020 Regular Sessions

## IN SENATE

January 14, 2019

Introduced by Sens. RIVERA, SEPULVEDA -- 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 establishing the  
pilot project for the placement of inmates close to home; and provid-  
ing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "pilot project for the placement of inmates close to home".  
3 § 2. Legislative intent. The legislature hereby finds and declares  
4 that research shows inmates who maintain family ties during incarcera-  
5 tion have lower rates of recidivism than inmates who do not. Further,  
6 most inmates are parents, and more than 80,000 children in the state of  
7 New York have a parent incarcerated in the state prison system.  
8 The legislature further finds that the department of corrections and  
9 community supervision should consider proximity to minor children among  
10 the key criteria of security and health and program needs when determin-  
11 ing prison assignments and transfers of parents, and should support  
12 increased access of children to their incarcerated parents through the  
13 use of technology and programs currently available within the depart-  
14 ment.  
15 The legislature therefore declares that there is a need to develop  
16 classification criteria that would place inmates in proximity to their  
17 family members and home communities, and in particular for those inmates  
18 who are parents of minor children in the appropriate correctional facil-  
19 ity located closest to those children provided such placement is other-  
20 wise appropriate and suitable, and would facilitate increased contact  
21 between such inmate and his or her child or children.  
22 § 3. The correction law is amended by adding a new section 72-c to  
23 read as follows:

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

LBD07476-01-9

1 § 72-c. Pilot project for the placement of inmates close to home. 1.  
2 The commissioner shall establish a pilot program for the purpose of  
3 housing inmates who are parents of minor children in the correctional  
4 facility which is located in closest proximity to the primary place of  
5 residence of any such inmate's minor child or children under eighteen  
6 years of age, provided that such placement is otherwise suitable and  
7 appropriate pursuant to the regulations of the department and would  
8 facilitate increased contact between such inmate and his or her child or  
9 children. For purposes of this pilot program, there shall be at least  
10 one hundred inmates who are parents of minor children, who on a volun-  
11 tary basis, would request placement in the pilot program. In selecting  
12 such inmates the department shall consult with the office of children  
13 and family services and the local district of social services located in  
14 the county where such inmate's child resides.

15 2. The commissioner, in consultation with the office of children and  
16 family services, and where applicable, the local district of social  
17 services, shall submit within one year of the effective date of this  
18 section and annually thereafter a report to the governor, the temporary  
19 president of the senate and the speaker of the assembly on the effec-  
20 tiveness of this pilot project. Such reports shall include an analysis  
21 of the impact on the inmate, including factors such as institutional  
22 adjustment, behavior infractions, and program participation, among  
23 related relevant factors. The reports shall also include analysis of  
24 factors such as frequency of visits, barriers to visitation, logistical  
25 challenges and cost-savings to the department. The report shall further  
26 include any recommendations for additional legislative enactments that  
27 may be needed or required, to improve, enhance and subsequently expand  
28 the program as determined to be appropriate by the commissioner. The  
29 report following the third year of the pilot program shall include a  
30 plan for expansion and eventual incorporation of proximity into place-  
31 ment decisions for all inmate parents of minor children.

32 3. No person shall have the right to demand or require participation  
33 in the pilot project authorized by this section. The commissioner may  
34 revoke at any time participation in such project for any serious disci-  
35 plinary infraction committed by the inmate or for any failure to contin-  
36 ue to participate successfully in any assigned work and treatment  
37 program after placement in such pilot program.

38 4. An eligibility preference shall be granted to inmate parents with  
39 children in foster care who are at risk of losing their parental rights.  
40 Admission shall be granted on a rolling basis and priority shall be  
41 given to inmates who were primary caregivers, although all inmate  
42 parents of minor children shall be considered. The department shall  
43 verify that the minor children of inmates participating in such pilot  
44 program will be able to come to the facility for periodic visitation.

45 § 4. This act shall take effect six months after it shall have become  
46 a law and shall expire 3 years after it shall take effect when upon such  
47 date the provisions of this act shall be deemed repealed. Effective  
48 immediately, the addition, amendment and/or repeal of any rule or regu-  
49 lation necessary for the implementation of this act on its effective  
50 date are authorized to be made on or before such date.