

# STATE OF NEW YORK

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6154

2019-2020 Regular Sessions

## IN SENATE

May 20, 2019

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Introduced by Sen. SEPULVEDA -- (at request of the State Commission of Correction) -- 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 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:

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

4 1. (a) If there is no jail in a county, or the jail becomes unfit or  
5 unsafe for the confinement of some or all of the inmates, civil or crim-  
6 inal, or is destroyed by fire or otherwise, or if a pestilential disease  
7 breaks out in the jail or in the vicinity of the jail and the physician  
8 to the jail certifies that it is likely to endanger the health of any or  
9 all of the inmates in the jail, the state commission of correction, upon  
10 application, must, by an instrument in writing, filed with the clerk of  
11 the county, designate another suitable place within the county, or the  
12 jail of any other county, for the confinement of some or all of the  
13 inmates, as the case requires. The place so designated thereupon  
14 becomes, to all intents and purposes, except as otherwise prescribed in  
15 this article, the jail of the county for which it has been so desig-  
16 nated, and the purposes expressed in the instrument designating the  
17 same. The designation may be amended, modified or revoked by the state  
18 commission of correction by a subsequent instrument in writing filed  
19 with the clerk of the county.

20 (b) If transfer to the jail of another county would allow for an  
21 inmate's participation in beneficial programming, the state commission  
22 of correction, upon application and the consent of such inmate and any  
23 involved sheriff, may, by an instrument in writing, filed with the clerk  
24 of the county, designate the jail of such other county, for the confine-

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

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1 ment of such inmate, as the case requires. The jail so designated there-  
2 upon becomes, to all intents and purposes, except as otherwise  
3 prescribed in this article, the jail of the county for which it has been  
4 so designated, and the purposes expressed in the instrument designating  
5 the same. The designation may be amended, modified or revoked by the  
6 state commission of correction by a subsequent instrument in writing  
7 filed with the clerk of the county.

8 § 2. This act shall take effect immediately.