

# STATE OF NEW YORK

724

2019-2020 Regular Sessions

## IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sens. MONTGOMERY, KRUEGER -- 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 requiring the department of corrections and community supervision to place incarcerated parents at correctional institutions and facilities closest to their children's home

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

1 Section 1. The correction law is amended by adding a new section 72-c  
2 to read as follows:

3 § 72-c. Placement of individuals with children. 1. In determining  
4 placement for a person in custody of the department, whenever practica-  
5 ble the commissioner shall place such person in the correctional insti-  
6 tution or facility which is located in closest proximity to the primary  
7 place of residence of such person's minor child or children as defined  
8 in subdivision thirty-one of section two of the social services law,  
9 provided that such placement is suitable and appropriate and would  
10 facilitate increased contact between such person and his or her child or  
11 children and is in the best interest of such child or children.

12 2. To make a determination about whether such placement is in the best  
13 interest of such child or children, procedures and criteria for assess-  
14 ing such placement shall be developed by the department in consultation  
15 with the office of probation and correctional alternatives and the  
16 office of children and family services. If such person has more than one  
17 child, the department shall make a separate determination for each indi-  
18 vidual child.

19 § 2. This act shall take effect one year after it shall have become a  
20 law. Effective immediately, the addition, amendment and/or repeal of any  
21 rule or regulation necessary for the implementation of this act on its  
22 effective date are authorized to be made on or before such date.

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

LBD00980-01-9