STATE OF NEW YORK

724--A

Cal. No. 480

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sens. MONTGOMERY, CARLUCCI, KRUEGER, MAYER, RAMOS, RIVERA, SALAZAR, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

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

§ 72-c. Placement of individuals with children. 1. In determining placement for a person in custody of the department, whenever practicable the commissioner shall place such person in the correctional institution or facility which is located in closest proximity to the primary place of residence of such person's minor child or children as defined in subdivision thirty-one of section two of the social services law, provided that such placement is suitable and appropriate, would facilitate increased contact between such person and his or her child or children, is in the best interest of such child or children, and the incarcerated parent gives his or her consent to such placement.

2. To make a determination about whether such placement is in the best interest of such child or children, procedures and criteria for assessing such placement shall be developed by the department in consultation with the office of children and family services. If such person has more

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

LBD00980-05-9

than one child, the department shall make a separate determination for each individual child.

3. The department shall submit an annual report regarding the implementation of this section to the temporary president of the senate, the speaker of the assembly, the minority leader of the senate and minority leader of the assembly as well as to the chairs of the senate committee on crime victims, crime and correction and the assembly standing committee on correction. The report shall include, but not be limited to, the number of incarcerated persons who are parents of minor children, the aggregate number of incarcerated parents by county of commitment, the number of incarcerated parents who are placed in a correctional facility in closest proximity to their children pursuant to this section, the location of such facilities, the number of incarcerated parents for whom proximal placement was not provided, a general explanation of the reasons that such placement was not provided which shall not include any identifying information, and the amount of incarcerated parents who declined such placement pursuant to this section.

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