

STATE OF NEW YORK

4339

2019-2020 Regular Sessions

IN ASSEMBLY

February 4, 2019

Introduced by M. of A. WEPRIN, D'URSO, GOTTFRIED, RIVERA, HYNDMAN,
WRIGHT -- Multi-Sponsored by -- M. of A. COOK -- read once and
referred to the Committee on 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.

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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, inmates who are parents of
10 minor children on a voluntary basis, would request placement in the
11 pilot program. In selecting such inmates the department shall consult
12 with the office of children and family services and the local district
13 of social services located in the county where such inmate's child
14 resides to determine if any reasons exist, such as no visitation order,
15 that may prevent the inmate from participating in the pilot program.

16 2. The commissioner, in consultation with appropriate community organ-
17 izations, 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 for child welfare and
39 foster care cases as parents are at risk of losing their parental
40 rights. Admission shall be granted on a rolling basis and priority
41 shall be given to inmates who were primary caregivers, although all
42 inmate parents of minor children shall be considered. The department
43 shall verify that the minor children of inmates participating in such
44 pilot program will be able to come to the facility for periodic visita-
45 tion. Any action by the commissioner pursuant to this section shall be
46 deemed a judicial function and shall not be reviewable if done in
47 accordance with law. Inmates shall not be eligible for this program for
48 a variety of factors, as listed in, but not limited to, those enumerated
49 in this section. Inmates who are incarcerated for violating parole or
50 conditional release shall be ineligible for this pilot program. Inmates
51 who have committed a crime against a child shall be ineligible for this
52 pilot program. Inmates for whom a closer location would not lead to more
53 visitors shall not be eligible for this program. Mental health issues
54 shall not be an issue of ineligibility with regard to this program,
55 unless there is a compelling reason to do so.

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3 date the provisions of this act shall be deemed repealed.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