

STATE OF NEW YORK

7866

2019-2020 Regular Sessions

IN ASSEMBLY

May 24, 2019

Introduced by M. of A. AUBRY -- read once and referred to the Committee on Correction

AN ACT to amend the civil service law, the election law, the executive law, the public officers law, the state finance law, the tax law, the workers' compensation law, the labor law, the transportation law, the vehicle and traffic law, the environmental conservation law, the public buildings law, the public health law, the general municipal law, the county law, the education law, the mental hygiene law, the retirement and social security law, the social services law, the general business law, the penal law, the correction law, the criminal procedure law, the surrogate's court procedure act, the New York city criminal court act, the court of claims act, the civil practice law and rules, the civil rights law, chapter 784 of the laws of 1951, constituting the New York state defense emergency act, the administrative code of the city of New York, and the New York city charter, in relation to replacing all instances of the words inmate or inmates with the words incarcerated individual or incarcerated individuals

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

1 Section 1. Subdivision 1 of section 136 of the civil service law, as
2 amended by section 62 of subpart B of part C of chapter 62 of the laws
3 of 2011, is amended to read as follows:
4 1. The term "teacher", for purposes of this section, means any employ-
5 ee of a state facility or institution in the office of children and
6 family services in the executive department and in the departments of
7 corrections and community supervision, health, mental hygiene and social
8 services holding a position the principal duty of which is the teaching
9 or instruction of patients or [~~inmates~~ incarcerated individuals, or the
10 direct supervision of such teaching or instruction, including an insti-
11 tution education director, as determined by the department of civil
12 service subject to approval of the director of the budget.

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

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1 § 2. Subdivision 1 of section 3-107 of the election law is amended to
2 read as follows:

3 1. Visit and inspect any house, dwelling, building, inn, lodginghouse,
4 boarding-house, rooming-house, or hotel and interrogate any [~~inmate~~]
5 incarcerated individual, house-dweller, keeper, caretaker, owner,
6 proprietor or landlord thereof or therein, as to any person or persons
7 residing or claiming to reside therein or thereat.

8 § 3. Subdivision 13 of section 5-210 of the election law, as amended
9 by chapter 179 of the laws of 2005, is amended to read as follows:

10 13. An affidavit or a signed statement by any officer or employee of
11 the state or county board of elections or any police officer, sheriff or
12 deputy sheriff, that such person visited the premises claimed by the
13 applicant as his or her residence and interrogated an [~~inmate~~] incarcer-
14 ated individual, house-dweller, keeper, caretaker, owner, proprietor or
15 landlord thereof or therein as to such applicant's residence therein or
16 thereat, and that he or she was informed by one or more such persons,
17 naming them, that they knew the persons residing upon such premises and
18 that the applicant did not reside upon such premises as set forth in his
19 or her application, shall be sufficient authority for a determination by
20 the board that the applicant is not entitled to registration or enroll-
21 ment; but this provision shall not preclude the board from making such
22 other determination, as the result of other inquiry, as it may deem
23 appropriate.

24 § 4. Paragraph (c) of subdivision 1 and subparagraph (iii) of para-
25 graph (c) of subdivision 4 of section 15-120 of the election law, as
26 added by chapter 289 of the laws of 2014, are amended to read as
27 follows:

28 (c) an [~~inmate~~] incarcerated individual or patient of a veteran's
29 administration hospital; or

30 (iii) an [~~inmate~~] incarcerated individual or patient of a veteran's
31 administration hospital; or

32 § 5. Subdivision 5 of section 16-108 of the election law is amended to
33 read as follows:

34 5. An affidavit by any officer or employee of the board of elections,
35 or by any police officer, sheriff or deputy sheriff, or by any special
36 investigator appointed by the state board of elections, that he or she
37 visited the premises claimed by the applicant as his or her residence
38 and that he interrogated an [~~inmate~~] incarcerated individual, housedwel-
39 ler, keeper, caretaker, owner, proprietor or landlord thereof or therein
40 as to the applicant's residence therein or thereat, and that he or she
41 was informed by one or more of such persons, naming them, that they knew
42 the persons residing upon such premises and that the applicant did not
43 reside upon such premises thirty days before the election, shall be
44 presumptive evidence against the right of the voter to register from
45 such premises.

46 § 6. Subdivision 6 of section 24 of the executive law, as added by
47 chapter 640 of the laws of 1978, is amended to read as follows:

48 6. Whenever a local state of emergency is declared by the chief execu-
49 tive of a local government pursuant to this section, the chief executive
50 of the county in which such local state of emergency is declared, or
51 where a county is wholly contained within a city, the mayor of such
52 city, may request the governor to remove all or any number of sentenced
53 [~~inmates~~] incarcerated individuals from institutions maintained by such
54 county in accordance with section ninety-three of the correction law.

55 § 7. Subdivision 4 of section 221-a of the executive law, as amended
56 by chapter 368 of the laws of 2013, is amended to read as follows:

1 4. Courts and law enforcement officials, including probation officers,
2 and employees of local correctional facilities and the department of
3 corrections and community supervision who are responsible for monitor-
4 ing, supervising or classification of [~~inmates~~] incarcerated individuals
5 or parolees shall have the ability to disclose and share information
6 with respect to such orders and warrants consistent with the purposes of
7 this section, subject to applicable provisions of the family court act,
8 domestic relations law and criminal procedure law concerning the confi-
9 dentiality, sealing and expungement of records.

10 § 8. Subdivisions 1, 3, 4, 5, 8, 12 and 16 of section 259-c of the
11 executive law, as amended by section 38-b of subpart A of part C of
12 chapter 62 of the laws of 2011, are amended to read as follows:

13 1. have the power and duty of determining which [~~inmates~~] incarcerated
14 individuals serving an indeterminate or determinate sentence of impri-
15 sonment may be released on parole, or on medical parole pursuant to
16 section two hundred fifty-nine-r or section two hundred fifty-nine-s of
17 this article, and when and under what conditions;

18 3. determine, as each [~~inmate~~] incarcerated individual is received by
19 the department, the need for further investigation of the background of
20 such [~~inmate~~] incarcerated individual. Upon such determination, the
21 department shall cause such investigation as may be necessary to be made
22 as soon as practicable, the results of such investigation together with
23 all other information compiled by the department and the complete crimi-
24 nal record and family court record of such [~~inmate~~] incarcerated indi-
25 vidual to be filed so as to be readily available when the parole of such
26 [~~inmate~~] incarcerated individual is being considered;

27 4. establish written procedures for its use in making parole decisions
28 as required by law. Such written procedures shall incorporate risk and
29 needs principles to measure the rehabilitation of persons appearing
30 before the board, the likelihood of success of such persons upon
31 release, and assist members of the state board of parole in determining
32 which [~~inmates~~] incarcerated individuals may be released to parole
33 supervision;

34 5. through its members, officers and employees, study or cause to be
35 studied the [~~inmates~~] incarcerated individuals confined in institutions
36 over which the board has jurisdiction, so as to determine their ultimate
37 fitness to be paroled;

38 8. have the power and perform the duty, when requested by the gover-
39 nor, of reporting to the governor the facts, circumstances, criminal
40 records and social, physical, mental and psychiatric conditions and
41 histories of [~~inmates~~] incarcerated individuals under consideration by
42 the governor for pardon or commutation of sentence and of applicants for
43 restoration of the rights of citizenship;

44 12. to facilitate the supervision of all [~~inmates~~] incarcerated indi-
45 viduals released on community supervision the chairman of the state
46 board of parole shall consider the implementation of a program of gradu-
47 ated sanctions, including but not limited to the utilization of a risk
48 and needs assessment instrument that would be administered to all
49 [~~inmates~~] incarcerated individuals eligible for parole supervision. Such
50 a program would include various components including the use of alterna-
51 tives to incarceration for technical parole violations;

52 16. determine which [~~inmates~~] incarcerated individuals serving a defi-
53 nite sentence of imprisonment may be conditionally released from an
54 institution in which he or she is confined in accordance with subdivi-
55 sion two of section 70.40 of the penal law.

1 § 8-a. Subdivision 1 of section 259-c of the executive law, as amended
2 by chapter 55 of the laws of 1992, is amended to read as follows:

3 1. have the power and duty of determining which [~~inmates~~] incarcerated
4 individuals serving an indeterminate sentence of imprisonment may be
5 released on parole, or on medical parole pursuant to section two hundred
6 fifty-nine-r of this article, and when and under what conditions;

7 § 8-b. Subdivision 2 of section 259-c of the executive law, as added
8 by chapter 904 of the laws of 1977 and amended by chapter 1 of the laws
9 of 1998, is amended to read as follows:

10 2. have the power and duty of determining the conditions of release of
11 the person who may be conditionally released or subject to a period of
12 post-release supervision under an indeterminate or reformatory sentence
13 of imprisonment and of determining which [~~inmates~~] incarcerated individ-
14 uals serving a definite sentence of imprisonment may be conditionally
15 released and when and under what conditions;

16 § 9. Section 259-e of the executive law, as amended by chapter 473 of
17 the laws of 2016, is amended to read as follows:

18 § 259-e. Institutional parole services. The department shall provide
19 institutional parole services. Such services shall include preparation
20 of reports and other data required by the state board of parole in the
21 exercise of its functions with respect to release on presumptive
22 release, parole, conditional release or post-release supervision of
23 [~~inmates~~] incarcerated individuals. Additionally, the department shall
24 determine which [~~inmates~~] incarcerated individuals are in need of a deaf
25 language interpreter or an English language interpreter, and shall
26 inform the board of such need within a reasonable period of time prior
27 to an [~~inmate's~~] incarcerated individual's scheduled appearance before
28 the board. Employees of the department who collect data, interview
29 [~~inmates~~] incarcerated individuals and prepare reports for the state
30 board of parole in institutions under the jurisdiction of the department
31 shall work under the direct supervision of the deputy commissioner of
32 the department in charge of program services. Data and reports submitted
33 to the board shall address the statutory factors to be considered by the
34 board pursuant to the relevant provisions of section two hundred fifty-
35 nine-i of this article.

36 § 10. The section heading and subdivisions 4 and 5 of section 259-h of
37 the executive law, as added by chapter 904 of the laws of 1977, are
38 amended to read as follows:

39 Parole eligibility for certain [~~inmates~~] incarcerated individuals
40 sentenced for crimes committed prior to September first, nineteen
41 hundred sixty-seven.

42 4. In calculating time required to be served prior to eligibility for
43 parole under the minimum periods of imprisonment established by this
44 section the following rules shall apply:

45 (a) Service of such time shall be deemed to have commenced on the day
46 the [~~inmate~~] incarcerated individual was received in an institution
47 under the jurisdiction of the department pursuant to the sentence;

48 (b) Where an [~~inmate~~] incarcerated individual is under more than one
49 sentence, (i) if the sentences run concurrently, the time served under
50 imprisonment on any of the sentences shall be credited against the mini-
51 mum periods of all the concurrent sentences, and (ii) if the sentences
52 run consecutively, the minimum periods of imprisonment shall merge in
53 and be satisfied by service of the period that has the longest unexpired
54 time to run;

55 (c) No credit shall be allowed for "good conduct and efficient and
56 willing performance of duties," under former section two hundred thirty

1 of the correction law, repealed by chapter four hundred seventy-six of
2 the laws of nineteen hundred seventy and continued in effect as to
3 certain [~~inmates~~] incarcerated individuals, or under any other provision
4 of law;

5 (d) Calculations with respect to "jail time" "time served under
6 vacated sentence" and interruption for "escape" shall be in accordance
7 with the provisions of subdivisions three, five and six of section 70.30
8 of the penal law as enacted by chapter ten hundred thirty of the laws of
9 nineteen hundred sixty-five, as amended.

10 5. The provisions of this section shall not be construed as diminish-
11 ing the discretionary authority of the board of parole to determine
12 whether or not an [~~inmate~~] incarcerated individual is to be paroled.

13 § 11. Paragraphs (a), (c), (d) and (e) of subdivision 2, paragraph (d)
14 of subdivision 3, paragraph (b) of subdivision 4 and paragraph (a) of
15 subdivision 6 of section 259-i of the executive law, paragraphs (a) and
16 (d) of subdivision 2 as amended by section 38-f-1 of subpart A of part C
17 of chapter 62 of the laws of 2011, paragraph (c) of subdivision 2 as
18 separately amended by chapters 40 and 126 of the laws of 1999, subpara-
19 graph (A) of paragraph (c) of subdivision 2 as amended by chapter 130 of
20 the laws of 2016, paragraph (e) of subdivision 2 as amended by chapter
21 120 of the laws of 2017, paragraph (d) of subdivision 3 as amended by
22 section 11 of part E of chapter 62 of the laws of 2003, paragraph (b) of
23 subdivision 4 as added by chapter 904 of the laws of 1977 and paragraph
24 (a) of subdivision 6 as amended by chapter 363 of the laws of 2012, are
25 amended to read as follows:

26 (a) (i) Except as provided in subparagraph (ii) of this paragraph, at
27 least one month prior to the date on which an [~~inmate~~] incarcerated
28 individual may be paroled pursuant to subdivision one of section 70.40
29 of the penal law, a member or members as determined by the rules of the
30 board shall personally interview such [~~inmate~~] incarcerated individual
31 and determine whether he or she should be paroled in accordance with the
32 guidelines adopted pursuant to subdivision four of section two hundred
33 fifty-nine-c of this article. If parole is not granted upon such review,
34 the [~~inmate~~] incarcerated individual shall be informed in writing within
35 two weeks of such appearance of the factors and reasons for such denial
36 of parole. Such reasons shall be given in detail and not in conclusory
37 terms. The board shall specify a date not more than twenty-four months
38 from such determination for reconsideration, and the procedures to be
39 followed upon reconsideration shall be the same. If the [~~inmate~~] incar-
40 cerated individual is released, he or she shall be given a copy of the
41 conditions of parole. Such conditions shall where appropriate, include a
42 requirement that the parolee comply with any restitution order, mandato-
43 ry surcharge, sex offender registration fee and DNA databank fee previ-
44 ously imposed by a court of competent jurisdiction that applies to the
45 parolee. The conditions shall indicate which restitution collection
46 agency established under subdivision eight of section 420.10 of the
47 criminal procedure law, shall be responsible for collection of restitu-
48 tion, mandatory surcharge, sex offender registration fees and DNA data-
49 bank fees as provided for in section 60.35 of the penal law and section
50 eighteen hundred nine of the vehicle and traffic law.

51 (ii) Any [~~inmate~~] incarcerated individual who is scheduled for
52 presumptive release pursuant to section eight hundred six of the
53 correction law shall not appear before the board as provided in subpara-
54 graph (i) of this paragraph unless such [~~inmate's~~] incarcerated individ-
55 ual's scheduled presumptive release is forfeited, canceled, or rescinded
56 subsequently as provided in such law. In such event, the [~~inmate~~] incar-

1 cerated individual shall appear before the board for release consider-
2 ation as provided in subparagraph (i) of this paragraph as soon there-
3 after as is practicable.

4 (c) (A) Discretionary release on parole shall not be granted merely as
5 a reward for good conduct or efficient performance of duties while
6 confined but after considering if there is a reasonable probability
7 that, if such [~~inmate~~] incarcerated individual is released, he or she
8 will live and remain at liberty without violating the law, and that his
9 or her release is not incompatible with the welfare of society and will
10 not so deprecate the seriousness of his or her crime as to undermine
11 respect for law. In making the parole release decision, the procedures
12 adopted pursuant to subdivision four of section two hundred fifty-nine-c
13 of this article shall require that the following be considered: (i) the
14 institutional record including program goals and accomplishments,
15 academic achievements, vocational education, training or work assign-
16 ments, therapy and interactions with staff and [~~inmates~~] incarcerated
17 individuals; (ii) performance, if any, as a participant in a temporary
18 release program; (iii) release plans including community resources,
19 employment, education and training and support services available to the
20 [~~inmate~~] incarcerated individual; (iv) any deportation order issued by
21 the federal government against the [~~inmate~~] incarcerated individual
22 while in the custody of the department and any recommendation regarding
23 deportation made by the commissioner of the department pursuant to
24 section one hundred forty-seven of the correction law; (v) any current
25 or prior statement made to the board by the crime victim or the victim's
26 representative, where the crime victim is deceased or is mentally or
27 physically incapacitated; (vi) the length of the determinate sentence to
28 which the [~~inmate~~] incarcerated individual would be subject had he or
29 she received a sentence pursuant to section 70.70 or section 70.71 of
30 the penal law for a felony defined in article two hundred twenty or
31 article two hundred twenty-one of the penal law; (vii) the seriousness
32 of the offense with due consideration to the type of sentence, length of
33 sentence and recommendations of the sentencing court, the district
34 attorney, the attorney for the [~~inmate~~] incarcerated individual, the
35 pre-sentence probation report as well as consideration of any mitigating
36 and aggravating factors, and activities following arrest prior to
37 confinement; and (viii) prior criminal record, including the nature and
38 pattern of offenses, adjustment to any previous probation or parole
39 supervision and institutional confinement. The board shall provide toll
40 free telephone access for crime victims. In the case of an oral state-
41 ment made in accordance with subdivision one of section 440.50 of the
42 criminal procedure law, the parole board member shall present a written
43 report of the statement to the parole board. A crime victim's represen-
44 tative shall mean the crime victim's closest surviving relative, the
45 committee or guardian of such person, or the legal representative of any
46 such person. Such statement submitted by the victim or victim's repre-
47 sentative may include information concerning threatening or intimidating
48 conduct toward the victim, the victim's representative, or the victim's
49 family, made by the person sentenced and occurring after the sentencing.
50 Such information may include, but need not be limited to, the threaten-
51 ing or intimidating conduct of any other person who or which is directed
52 by the person sentenced. Any statement by a victim or the victim's
53 representative made to the board shall be maintained by the department
54 in the file provided to the board when interviewing the [~~inmate~~] incar-
55 cerated individual in consideration of release. A victim or victim's
56 representative who has submitted a written request to the department for

1 the transcript of such interview shall be provided such transcript as
2 soon as it becomes available.

3 (B) Where a crime victim or victim's representative as defined in
4 subparagraph (A) of this paragraph, or other person submits to the
5 parole board a written statement concerning the release of an [~~inmate~~]
6 incarcerated individual, the parole board shall keep that individual's
7 name and address confidential.

8 (d) (i) Notwithstanding the provisions of paragraphs (a), (b) and (c)
9 of this subdivision, after the [~~inmate~~] incarcerated individual has
10 served his or her minimum period of imprisonment imposed by the court,
11 or at any time after the [~~inmate's~~] incarcerated individual's period of
12 imprisonment has commenced for an [~~inmate~~] incarcerated individual serv-
13 ing a determinate or indeterminate term of imprisonment, provided that
14 the [~~inmate~~] incarcerated individual has had a final order of deporta-
15 tion issued against him or her and provided further that the [~~inmate~~]
16 incarcerated individual is not convicted of either an A-I felony offense
17 other than an A-I felony offense as defined in article two hundred twen-
18 ty of the penal law or a violent felony offense as defined in section
19 70.02 of the penal law, if the [~~inmate~~] incarcerated individual is
20 subject to deportation by the United States Bureau of Immigration and
21 Customs Enforcement, in addition to the criteria set forth in paragraph
22 (c) of this subdivision, the board may consider, as a factor warranting
23 earlier release, the fact that such [~~inmate~~] incarcerated individual
24 will be deported, and may grant parole from an indeterminate sentence or
25 release for deportation from a determinate sentence to such [~~inmate~~]
26 incarcerated individual conditioned specifically on his or her prompt
27 deportation. The board may make such conditional grant of early parole
28 from an indeterminate sentence or release for deportation from a deter-
29 minate sentence only where it has received from the United States Bureau
30 of Immigration and Customs Enforcement assurance (A) that an order of
31 deportation will be executed or that proceedings will promptly be
32 commenced for the purpose of deportation upon release of the [~~inmate~~]
33 incarcerated individual from the custody of the department of correc-
34 tional services, and (B) that the [~~inmate~~] incarcerated individual, if
35 granted parole or release for deportation pursuant to this paragraph,
36 will not be released from the custody of the United States Bureau of
37 Immigration and Customs Enforcement, unless such release be as a result
38 of deportation without providing the board a reasonable opportunity to
39 arrange for execution of its warrant for the retaking of such person.

40 (ii) An [~~inmate~~] incarcerated individual who has been granted parole
41 from an indeterminate sentence or release for deportation from a deter-
42 minate sentence pursuant to this paragraph shall be delivered to the
43 custody of the United States Bureau of Immigration and Customs Enforce-
44 ment along with the board's warrant for his or her retaking to be
45 executed in the event of his release from such custody other than by
46 deportation. In the event that such person is not deported, the board
47 shall execute the warrant, effect his return to imprisonment in the
48 custody of the department and within sixty days after such return,
49 provided that the person is serving an indeterminate sentence and the
50 minimum period of imprisonment has been served, personally interview him
51 or her to determine whether he or she should be paroled in accordance
52 with the provisions of paragraphs (a), (b) and (c) of this subdivision.
53 The return of a person granted parole from an indeterminate sentence or
54 release for deportation from a determinate sentence pursuant to this
55 paragraph for the reason set forth herein shall not be deemed to be a
56 parole delinquency and the interruptions specified in subdivision three

1 of section 70.40 of the penal law shall not apply, but the time spent in
2 the custody of the United States Bureau of Immigration and Customs
3 Enforcement shall be credited against the term of the sentence in
4 accordance with the rules specified in paragraph (c) of that subdivi-
5 sion. Notwithstanding any other provision of law, any [~~inmate~~] incarcer-
6 ated individual granted parole from an indeterminate sentence or release
7 for deportation from a determinate sentence pursuant to this paragraph
8 who is subsequently committed to imprisonment in the custody of the
9 department for a felony offense committed after release pursuant to this
10 paragraph shall have his parole eligibility date on the indeterminate
11 sentence for the new felony offense, or his or her conditional release
12 date on the determinate sentence for the new felony offense, as the case
13 may be, extended by the amount of time between the date on which such
14 [~~inmate~~] incarcerated individual was released from imprisonment in the
15 custody of the department pursuant to this paragraph and the date on
16 which such [~~inmate~~] incarcerated individual would otherwise have
17 completed service of the minimum period of imprisonment on the prior
18 felony offense.

19 (e) Notwithstanding the requirements of paragraph (a) of this subdivi-
20 sion, the determination to parole an [~~inmate~~] incarcerated individual
21 who has successfully completed the shock incarceration program pursuant
22 to section eight hundred sixty-seven of the correction law may be made
23 without a personal interview of the [~~inmate~~] incarcerated individual and
24 shall be made in accordance with procedures set forth in the rules of
25 the board. If parole is not granted, the time period for reconsideration
26 shall not exceed the court imposed minimum.

27 (d) If a finding of probable cause is made pursuant to this subdivi-
28 sion either by a determination at a preliminary hearing or by the waiver
29 thereof, or if the releasee has been convicted of a new crime while
30 under presumptive release, parole, conditional release or post-release
31 supervision, the board's rules shall provide for (i) declaring such
32 person to be delinquent as soon as practicable and shall require reason-
33 able and appropriate action to make a final determination with respect
34 to the alleged violation or (ii) ordering such person to be restored to
35 presumptive release, parole, conditional release or post-release super-
36 vision under such circumstances as it may deem appropriate or (iii) when
37 a presumptive releasee, parolee, conditional releasee or person on post-
38 release supervision has been convicted of a new felony committed while
39 under such supervision and a new indeterminate or determinate sentence
40 has been imposed, the board's rules shall provide for a final declara-
41 tion of delinquency. The [~~inmate~~] incarcerated individual shall then be
42 notified in writing that his or her release has been revoked on the
43 basis of the new conviction and a copy of the commitment shall accompany
44 said notification. The [~~inmate's~~] incarcerated individual's next appear-
45 ance before the board shall be governed by the legal requirements of
46 said new indeterminate or determinate sentence, or shall occur as soon
47 after a final reversal of the conviction as is practicable.

48 (b) Upon an appeal to the board, the [~~inmate~~] incarcerated individual
49 may be represented by an attorney. Where the [~~inmate~~] incarcerated indi-
50 vidual is financially unable to provide for his or her own attorney,
51 upon request an attorney shall be assigned pursuant to the provisions of
52 subparagraph (v) of paragraph (f) of subdivision three of this section.

53 (a) (i) The board shall provide for the making of a verbatim record of
54 each parole release interview, except where a decision is made to
55 release the [~~inmate~~] incarcerated individual to parole supervision, and
56 each preliminary and final revocation hearing, except when the decision

1 of the presiding officer after such hearings result in a dismissal of
2 all charged violations of parole, conditional release or post release
3 supervision.

4 (ii) Notwithstanding the provisions of subparagraph (i) of this para-
5 graph, the board shall provide for the making of a verbatim record of
6 each parole release interview in all proceedings where the [~~inmate~~]
7 incarcerated individual is a detained sex offender as such term is
8 defined in subdivision (g) of section 10.03 of the mental hygiene law.
9 Such record shall be provided to the office of mental health for use by
10 the multidisciplinary staff and the case review panel pursuant to
11 section 10.05 of the mental hygiene law.

12 § 11-a. Paragraph (a) of subdivision 2 and paragraph (d) of subdivi-
13 sion 3 of section 259-i of the executive law, paragraph (a) of subdivi-
14 sion 2 as amended by section 38-f-2 of subpart A of part C of chapter 62
15 of the laws of 2011 and paragraph (d) of subdivision 3 as amended by
16 chapter 413 of the laws of 1984, are amended to read as follows:

17 (a) At least one month prior to the expiration of the minimum period
18 or periods of imprisonment fixed by the court or board, a member or
19 members as determined by the rules of the board shall personally inter-
20 view an [~~inmate~~] incarcerated individual serving an indeterminate
21 sentence and determine whether he or she should be paroled at the expi-
22 ration of the minimum period or periods in accordance with the proce-
23 dures adopted pursuant to subdivision four of section two hundred
24 fifty-nine-c of this article. If parole is not granted upon such review,
25 the [~~inmate~~] incarcerated individual shall be informed in writing within
26 two weeks of such appearance of the factors and reasons for such denial
27 of parole. Such reasons shall be given in detail and not in conclusory
28 terms. The board shall specify a date not more than twenty-four months
29 from such determination for reconsideration, and the procedures to be
30 followed upon reconsideration shall be the same. If the [~~inmate~~] incar-
31 cerated individual is released, he or she shall be given a copy of the
32 conditions of parole. Such conditions shall where appropriate, include a
33 requirement that the parolee comply with any restitution order and
34 mandatory surcharge previously imposed by a court of competent jurisdic-
35 tion that applies to the parolee. The conditions shall indicate which
36 restitution collection agency established under subdivision eight of
37 section 420.10 of the criminal procedure law, shall be responsible for
38 collection of restitution and mandatory surcharge as provided for in
39 section 60.35 of the penal law and section eighteen hundred nine of the
40 vehicle and traffic law.

41 (d) If a finding of probable cause is made pursuant to this subdivi-
42 sion either by determination at a preliminary hearing or by the waiver
43 thereof, or if the releasee has been convicted of a new crime while
44 under his present parole or conditional release supervision, the board's
45 rules shall provide for (i) declaring such person to be delinquent as
46 soon as practicable and shall require reasonable and appropriate action
47 to make a final determination with respect to the alleged violation or
48 (ii) ordering such person to be restored to parole supervision under
49 such circumstances as it may deem appropriate or (iii) when a parolee or
50 conditional releasee has been convicted of a new felony committed while
51 under his or her present parole or conditional release supervision and a
52 new indeterminate sentence has been imposed, the board's rules shall
53 provide for a final declaration of delinquency. The [~~inmate~~] incarcerat-
54 ed individual shall then be notified in writing that his or her release
55 has been revoked on the basis of the new conviction and a copy of the
56 commitment shall accompany said notification. The [~~inmate's~~] incarcerat-

1 ed individual's next appearance before the board shall be governed by
2 the legal requirements of said new indeterminate sentence, or shall
3 occur as soon after a final reversal of the conviction as is practica-
4 ble.

5 § 12. Subdivision 3 of section 259-k of the executive law, as amended
6 by section 38-i of subpart A of part C of chapter 62 of the laws of
7 2011, is amended to read as follows:

8 3. Members of the board and officers and employees of the department
9 providing community supervision services and designated by the commis-
10 sioner shall have free access to all [~~inmates~~] incarcerated individuals
11 confined in institutions under the jurisdiction of the department, the
12 office of children and family services and the department of mental
13 hygiene in order to enable them to perform their functions, provided,
14 however, that the department of mental hygiene may temporarily restrict
15 such access where it determines, for significant clinical reasons, that
16 such access would interfere with its care and treatment of the mentally
17 ill [~~inmate~~] incarcerated individual. If under the provisions of this
18 subdivision an [~~inmate~~] incarcerated individual is not accessible for
19 release consideration by the board, that [~~inmate~~] incarcerated individ-
20 ual shall be scheduled to see the board in the month immediately subse-
21 quent to the month within which he or she was not available.

22 § 13. Subdivision 1 of section 259-l of the executive law, as amended
23 by chapter 26 of the laws of 2018, is amended to read as follows:

24 1. It shall be the duty of the commissioner of corrections and commu-
25 nity supervision to ensure that all officers and employees of the
26 department shall at all times cooperate with the board of parole and
27 shall furnish to such members of the board and employees of the board
28 such information as may be appropriate to enable them to perform their
29 independent decision making functions. It is also his or her duty to
30 ensure that the functions of the board of parole are not hampered in any
31 way, including but not limited to: a restriction of resources including
32 staff assistance; limited access to vital information; and presentation
33 of [~~inmate~~] an incarcerated individual's information in a manner that
34 may inappropriately influence the board in its decision making. Where an
35 [~~inmate~~] incarcerated individual has appeared before the board prior to
36 having completed any program assigned by the department, and such
37 program remains incomplete by no fault of the [~~inmate~~] incarcerated
38 individual, and where the board has denied such [~~inmate~~] incarcerated
39 individual release pursuant to paragraph (a) of subdivision two of
40 section two hundred fifty-nine-i of this article, the department shall
41 prioritize such [~~inmate's~~] an incarcerated individual's placement into
42 the assigned program.

43 § 14. The section heading, subdivisions 1 and 2, paragraph (b) of
44 subdivision 4 and subdivisions 5, 9, 10 and 11 of section 259-r of the
45 executive law, the section heading, subdivisions 1 and 2, paragraph (b)
46 of subdivision 4, and subdivisions 5 and 9 as amended by section 38-1 of
47 subpart A of part C of chapter 62 of the laws of 2011 and subdivisions
48 10 and 11 as added by section 1 of part A of chapter 55 of the laws of
49 2015, are amended to read as follows:

50 Release on medical parole for terminally ill [~~inmates~~] incarcerated
51 individuals. 1. (a) The board shall have the power to release on medical
52 parole any [~~inmate~~] incarcerated individual serving an indeterminate or
53 determinate sentence of imprisonment who, pursuant to subdivision two of
54 this section, has been certified to be suffering from a terminal condi-
55 tion, disease or syndrome and to be so debilitated or incapacitated as
56 to create a reasonable probability that he or she is physically or

1 cognitively incapable of presenting any danger to society, provided,
2 however, that no [~~inmate~~] incarcerated individual serving a sentence
3 imposed upon a conviction for murder in the first degree or an attempt
4 or conspiracy to commit murder in the first degree shall be eligible for
5 such release, and provided further that no [~~inmate~~] incarcerated indi-
6 vidual serving a sentence imposed upon a conviction for any of the
7 following offenses shall be eligible for such release unless in the case
8 of an indeterminate sentence he or she has served at least one-half of
9 the minimum period of the sentence and in the case of a determinate
10 sentence he or she has served at least one-half of the term of his or
11 her determinate sentence: murder in the second degree, manslaughter in
12 the first degree, any offense defined in article one hundred thirty of
13 the penal law or an attempt to commit any of these offenses. Solely for
14 the purpose of determining medical parole eligibility pursuant to this
15 section, such one-half of the minimum period of the indeterminate
16 sentence and one-half of the term of the determinate sentence shall not
17 be credited with any time served under the jurisdiction of the depart-
18 ment prior to the commencement of such sentence pursuant to the opening
19 paragraph of subdivision one of section 70.30 of the penal law or subdivi-
20 sion two-a of section 70.30 of the penal law, except to the extent
21 authorized by subdivision three of section 70.30 of the penal law.

22 (b) Such release shall be granted only after the board considers
23 whether, in light of the [~~inmate's~~] incarcerated individual's medical
24 condition, there is a reasonable probability that the [~~inmate~~] incarcer-
25 ated individual, if released, will live and remain at liberty without
26 violating the law, and that such release is not incompatible with the
27 welfare of society and will not so deprecate the seriousness of the
28 crime as to undermine respect for the law, and shall be subject to the
29 limits and conditions specified in subdivision four of this section.
30 Except as set forth in paragraph (a) of this subdivision, such release
31 may be granted at any time during the term of an [~~inmate's~~] incarcerated
32 individual's sentence, notwithstanding any other provision of law.

33 (c) The board shall afford notice to the sentencing court, the
34 district attorney and the attorney for the [~~inmate~~] incarcerated indi-
35 vidual that the [~~inmate~~] incarcerated individual is being considered for
36 release pursuant to this section and the parties receiving notice shall
37 have fifteen days to comment on the release of the [~~inmate~~] incarcerated
38 individual. Release on medical parole shall not be granted until the
39 expiration of the comment period provided for in this paragraph.

40 2. (a) The commissioner, on the commissioner's own initiative or at
41 the request of an [~~inmate~~] incarcerated individual, or an [~~inmate's~~]
42 incarcerated individual's spouse, relative or attorney, may, in the
43 exercise of the commissioner's discretion, direct that an investigation
44 be undertaken to determine whether a diagnosis should be made of an
45 [~~inmate~~] incarcerated individual who appears to be suffering from a
46 terminal condition, disease or syndrome. Any such medical diagnosis
47 shall be made by a physician licensed to practice medicine in this state
48 pursuant to section sixty-five hundred twenty-four of the education law.
49 Such physician shall either be employed by the department, shall render
50 professional services at the request of the department, or shall be
51 employed by a hospital or medical facility used by the department for
52 the medical treatment of [~~inmates~~] incarcerated individuals. The diagno-
53 sis shall be reported to the commissioner and shall include but shall
54 not be limited to a description of the terminal condition, disease or
55 syndrome suffered by the [~~inmate~~] incarcerated individual, a prognosis
56 concerning the likelihood that the [~~inmate~~] incarcerated individual will

1 not recover from such terminal condition, disease or syndrome, a
2 description of the [~~inmate's~~] incarcerated individual's physical or
3 cognitive incapacity which shall include a prediction respecting the
4 likely duration of the incapacity, and a statement by the physician of
5 whether the [~~inmate~~] incarcerated individual is so debilitated or inca-
6 pacitated as to be severely restricted in his or her ability to self-am-
7 bulate or to perform significant normal activities of daily living. This
8 report also shall include a recommendation of the type and level of
9 services and treatment the [~~inmate~~] incarcerated individual would
10 require if granted medical parole and a recommendation for the types of
11 settings in which the services and treatment should be given.

12 (b) The commissioner, or the commissioner's designee, shall review the
13 diagnosis and may certify that the [~~inmate~~] incarcerated individual is
14 suffering from such terminal condition, disease or syndrome and that the
15 [~~inmate~~] incarcerated individual is so debilitated or incapacitated as
16 to create a reasonable probability that he or she is physically or
17 cognitively incapable of presenting any danger to society. If the
18 commissioner does not so certify then the [~~inmate~~] incarcerated individ-
19 ual shall not be referred to the board for consideration for release on
20 medical parole. If the commissioner does so certify, then the commis-
21 sioner shall, within seven working days of receipt of such diagnosis,
22 refer the [~~inmate~~] incarcerated individual to the board for consider-
23 ation for release on medical parole. However, no such referral of an
24 [~~inmate~~] incarcerated individual to the board shall be made unless the
25 [~~inmate~~] incarcerated individual has been examined by a physician and
26 diagnosed as having a terminal condition, disease or syndrome as previ-
27 ously described herein at some time subsequent to such [~~inmate's~~] incar-
28 cerated individual's admission to a facility operated by the department
29 of correctional services.

30 (c) When the commissioner refers an [~~inmate~~] incarcerated individual
31 to the board, the commissioner shall provide an appropriate medical
32 discharge plan established by the department. The department is author-
33 ized to request assistance from the department of health and from the
34 county in which the [~~inmate~~] incarcerated individual resided and commit-
35 ted his or her crime, which shall provide assistance with respect to the
36 development and implementation of a discharge plan, including potential
37 placements of a releasee. The department and the department of health
38 shall jointly develop standards for the medical discharge plan that are
39 appropriately adapted to the criminal justice setting, based on stand-
40 ards established by the department of health for hospital medical
41 discharge planning. The board may postpone its decision pending
42 completion of an adequate discharge plan, or may deny release based on
43 inadequacy of the discharge plan.

44 (b) The board shall require as a condition of release on medical
45 parole that the releasee agree to remain under the care of a physician
46 while on medical parole and in a hospital established pursuant to arti-
47 cle twenty-eight of the public health law, a hospice established pursu-
48 ant to article forty of the public health law or any other placement
49 that can provide appropriate medical care as specified in the medical
50 discharge plan required by subdivision two of this section. The medical
51 discharge plan shall state that the availability of the placement has
52 been confirmed, and by whom. Notwithstanding any other provision of law,
53 when an [~~inmate~~] incarcerated individual who qualifies for release under
54 this section is cognitively incapable of signing the requisite documen-
55 tation to effectuate the medical discharge plan and, after a diligent
56 search no person has been identified who could otherwise be appointed as

1 the [~~inmate's~~] incarcerated individual's guardian by a court of compe-
2 tent jurisdiction, then, solely for the purpose of implementing the
3 medical discharge plan, the facility health services director at the
4 facility where the [~~inmate~~] incarcerated individual is currently incar-
5 cerated shall be lawfully empowered to act as the [~~inmate's~~] incarcerat-
6 ed individual's guardian for the purpose of effectuating the medical
7 discharge.

8 5. A denial of release on medical parole or expiration of medical
9 parole in accordance with the provisions of paragraph (f) of subdivision
10 four of this section shall not preclude the [~~inmate~~] incarcerated indi-
11 vidual from reapplying for medical parole or otherwise affect an
12 [~~inmate's~~] incarcerated individual's eligibility for any other form of
13 release provided for by law.

14 9. The chairman shall report annually to the governor, the temporary
15 president of the senate and the speaker of the assembly, the chair-
16 persons of the assembly and senate codes committees, the chairperson of
17 the senate crime and corrections committee, and the chairperson of the
18 assembly corrections committee the number of [~~inmates~~] incarcerated
19 individuals who have applied for medical parole; the number who have
20 been granted medical parole; the nature of the illness of the appli-
21 cants, the counties to which they have been released and the nature of
22 the placement pursuant to the medical discharge plan; the categories of
23 reasons for denial for those who have been denied; the number of releas-
24 ees who have been granted an additional period or periods of medical
25 parole and the number of such grants; the number of releasees on medical
26 parole who have been returned to imprisonment in the custody of the
27 department and the reasons for return.

28 10. Notwithstanding any other provision of law, in the case of an
29 [~~inmate~~] incarcerated individual whose terminal condition, disease or
30 syndrome meets the criteria for medical parole as set forth in paragraph
31 (a) of subdivision one of this section, and who is not serving a
32 sentence for one or more offenses set forth in paragraph (i) of subdivi-
33 sion one of section eight hundred six of the correction law which would
34 render such [~~inmate~~] incarcerated individual ineligible for presumptive
35 release, the granting of medical parole shall be determined by the
36 commissioner provided that a release of such [~~inmate~~] incarcerated indi-
37 vidual shall be in accordance with subdivision eleven of this section.
38 In such case, the provisions that would have applied to and the proce-
39 dures that would have been followed by the board of parole pursuant to
40 this section shall apply to and be followed by the commissioner.

41 11. (a) After the commissioner has made a determination to grant
42 medical parole pursuant to subdivision ten of this section, the commis-
43 sioner shall notify the chairperson of the board of parole, or their
44 designee who shall be a member of the board of parole, and provide him
45 or her with all relevant records, files, information and documentation,
46 which includes but is not limited to the criminal history, medical diag-
47 nosis and treatment pertaining to the terminally ill [~~inmate~~] incarcer-
48 ated individual no more than five days from the date of the determi-
49 nation. (b) The chairperson or his or her designee shall either accept
50 the commissioner's grant of medical parole, in which case the [~~inmate~~]
51 incarcerated individual may be released by the commissioner, or conduct
52 further review. This decision or review shall be made within five days
53 of the receipt of the relevant records, files, information and documen-
54 tation from the commissioner. The chairperson's further review may
55 include, but not be limited to, an appearance by the terminally ill
56 [~~inmate~~] incarcerated individual before the chairperson or his or her

1 designee. (c) After this further review, the chairperson shall either
2 accept the commissioner's grant of medical parole, in which case the
3 [inmate] incarcerated individual may be released by the commissioner, or
4 the chairperson shall schedule an appearance for the terminally ill
5 [inmate] incarcerated individual before the board of parole.

6 In the event the terminally ill [inmate] incarcerated individual is
7 scheduled to make an appearance before the board of parole pursuant to
8 this subdivision, the matter shall be heard by a panel that does not
9 include the chairperson or any member of the board of parole who was
10 involved in the review of the commissioner's determination.

11 § 14-a. Paragraph (a) of subdivision 1 of section 259-r of the execu-
12 tive law, as amended by section 38-1-1 of subpart A of part C of chapter
13 62 of the laws of 2011, is amended to read as follows:

14 (a) The board shall have the power to release on medical parole any
15 [inmate] incarcerated individual serving an indeterminate or determinate
16 sentence of imprisonment who, pursuant to subdivision two of this
17 section, has been certified to be suffering from a terminal condition,
18 disease or syndrome and to be so debilitated or incapacitated as to
19 create a reasonable probability that he or she is physically or cogni-
20 tively incapable of presenting any danger to society, provided, however,
21 that no [inmate] incarcerated individual serving a sentence imposed upon
22 a conviction for murder in the first degree or an attempt or conspiracy
23 to commit murder in the first degree shall be eligible for such release,
24 and provided further that no [inmate] incarcerated individual serving a
25 sentence imposed upon a conviction for any of the following offenses
26 shall be eligible for such release unless in the case of an indetermi-
27 nate sentence he or she has served at least one-half of the minimum
28 period of the sentence and in the case of a determinate sentence he or
29 she has served at least one-half of the term of his or her determinate
30 sentence: murder in the second degree, manslaughter in the first
31 degree, any offense defined in article one hundred thirty of the penal
32 law or an attempt to commit any of these offenses. Solely for the
33 purpose of determining medical parole eligibility pursuant to this
34 section, such one-half of the minimum period of the indeterminate
35 sentence and one-half of the term of the determinate sentence shall not
36 be credited with any time served under the jurisdiction of the depart-
37 ment prior to the commencement of such sentence pursuant to the opening
38 paragraph of subdivision one of section 70.30 of the penal law or subdi-
39 vision two-a of section 70.30 of the penal law, except to the extent
40 authorized by subdivision three of section 70.30 of the penal law.

41 § 15. Section 259-s of the executive law, as amended by section 38-m
42 of subpart A of part C of chapter 62 of the laws of 2011, is amended to
43 read as follows:

44 § 259-s. Release on medical parole for [inmates] incarcerated individ-
45 uals suffering significant debilitating illnesses. 1. (a) The board
46 shall have the power to release on medical parole any [inmate] incarcer-
47 ated individual serving an indeterminate or determinate sentence of
48 imprisonment who, pursuant to subdivision two of this section, has been
49 certified to be suffering from a significant and permanent non-terminal
50 condition, disease or syndrome that has rendered the [inmate] incarcer-
51 ated individual so physically or cognitively debilitated or incapaci-
52 tated as to create a reasonable probability that he or she does not
53 present any danger to society, provided, however, that no [inmate]
54 incarcerated individual serving a sentence imposed upon a conviction for
55 murder in the first degree or an attempt or conspiracy to commit murder
56 in the first degree shall be eligible for such release, and provided

1 further that no [~~inmate~~] incarcerated individual serving a sentence
2 imposed upon a conviction for any of the following offenses shall be
3 eligible for such release unless in the case of an indeterminate
4 sentence he or she has served at least one-half of the minimum period of
5 the sentence and in the case of a determinate sentence he or she has
6 served at least one-half of the term of his or her determinate sentence:
7 murder in the second degree, manslaughter in the first degree, any
8 offense defined in article one hundred thirty of the penal law or an
9 attempt to commit any of these offenses. Solely for the purpose of
10 determining medical parole eligibility pursuant to this section, such
11 one-half of the minimum period of the indeterminate sentence and one-
12 half of the term of the determinate sentence shall not be credited with
13 any time served under the jurisdiction of the department prior to the
14 commencement of such sentence pursuant to the opening paragraph of
15 subdivision one of section 70.30 of the penal law or subdivision two-a
16 of section 70.30 of the penal law, except to the extent authorized by
17 subdivision three of section 70.30 of the penal law.

18 (b) Such release shall be granted only after the board considers
19 whether, in light of the [~~inmate's~~] incarcerated individual's medical
20 condition, there is a reasonable probability that the [~~inmate~~] incarcer-
21 ated individual, if released, will live and remain at liberty without
22 violating the law, and that such release is not incompatible with the
23 welfare of society and will not so deprecate the seriousness of the
24 crime as to undermine respect for the law, and shall be subject to the
25 limits and conditions specified in subdivision four of this section. In
26 making this determination, the board shall consider: (i) the nature and
27 seriousness of the [~~inmate's~~] incarcerated individual's crime; (ii) the
28 [~~inmate's~~] incarcerated individual's prior criminal record; (iii) the
29 [~~inmate's~~] incarcerated individual's disciplinary, behavioral and reha-
30 bilitative record during the term of his or her incarceration; (iv) the
31 amount of time the [~~inmate~~] incarcerated individual must serve before
32 becoming eligible for release pursuant to section two hundred fifty-
33 nine-i of this article; (v) the current age of the [~~inmate~~] incarcerated
34 individual and his or her age at the time of the crime; (vi) the recom-
35 mendations of the sentencing court, the district attorney and the victim
36 or the victim's representative; (vii) the nature of the [~~inmate's~~] incarcerated individual's medical condition, disease or syndrome and the
37 extent of medical treatment or care that the [~~inmate~~] incarcerated indi-
38 vidual will require as a result of that condition, disease or syndrome;
39 and (viii) any other relevant factor. Except as set forth in paragraph
40 (a) of this subdivision, such release may be granted at any time during
41 the term of an [~~inmate's~~] incarcerated individual's sentence, notwith-
42 standing any other provision of law.

44 (c) The board shall afford notice to the sentencing court, the
45 district attorney, the attorney for the [~~inmate~~] incarcerated individual
46 and, where necessary pursuant to subdivision two of section two hundred
47 fifty-nine-i of this article, the crime victim, that the [~~inmate~~] incar-
48 cerated individual is being considered for release pursuant to this
49 section and the parties receiving notice shall have thirty days to
50 comment on the release of the [~~inmate~~] incarcerated individual. Release
51 on medical parole shall not be granted until the expiration of the
52 comment period provided for in this paragraph.

53 2. (a) The commissioner, on the commissioner's own initiative or at
54 the request of an [~~inmate~~] incarcerated individual, or an [~~inmate's~~] incarcerated individual's spouse, relative or attorney, may, in the
55 exercise of the commissioner's discretion, direct that an investigation
56

1 be undertaken to determine whether a diagnosis should be made of an
2 [~~inmate~~] incarcerated individual who appears to be suffering from a
3 significant and permanent non-terminal and incapacitating condition,
4 disease or syndrome. Any such medical diagnosis shall be made by a
5 physician licensed to practice medicine in this state pursuant to
6 section sixty-five hundred twenty-four of the education law. Such physi-
7 cian shall either be employed by the department, shall render profes-
8 sional services at the request of the department, or shall be employed
9 by a hospital or medical facility used by the department for the medical
10 treatment of [~~inmates~~] incarcerated individuals. The diagnosis shall be
11 reported to the commissioner and shall include but shall not be limited
12 to a description of the condition, disease or syndrome suffered by the
13 [~~inmate~~] incarcerated individual, a prognosis concerning the likelihood
14 that the [~~inmate~~] incarcerated individual will not recover from such
15 condition, disease or syndrome, a description of the [~~inmate's~~] incar-
16 cerated individual's physical or cognitive incapacity which shall
17 include a prediction respecting the likely duration of the incapacity,
18 and a statement by the physician of whether the [~~inmate~~] incarcerated
19 individual is so debilitated or incapacitated as to be severely
20 restricted in his or her ability to self-ambulate or to perform signif-
21 icant normal activities of daily living. This report also shall include
22 a recommendation of the type and level of services and treatment the
23 [~~inmate~~] incarcerated individual would require if granted medical parole
24 and a recommendation for the types of settings in which the services and
25 treatment should be given.

26 (b) The commissioner, or the commissioner's designee, shall review the
27 diagnosis and may certify that the [~~inmate~~] incarcerated individual is
28 suffering from such condition, disease or syndrome and that the [~~inmate~~]
29 incarcerated individual is so debilitated or incapacitated as to create
30 a reasonable probability that he or she is physically or cognitively
31 incapable of presenting any danger to society. If the commissioner does
32 not so certify then the [~~inmate~~] incarcerated individual shall not be
33 referred to the board for consideration for release on medical parole.
34 If the commissioner does so certify, then the commissioner shall, within
35 seven working days of receipt of such diagnosis, refer the [~~inmate~~]
36 incarcerated individual to the board for consideration for release on
37 medical parole. However, no such referral of an [~~inmate~~] incarcerated
38 individual to the board of parole shall be made unless the [~~inmate~~]
39 incarcerated individual has been examined by a physician and diagnosed
40 as having a condition, disease or syndrome as previously described here-
41 in at some time subsequent to such [~~inmate's~~] incarcerated individual's
42 admission to a facility operated by the department.

43 (c) When the commissioner refers an [~~inmate~~] incarcerated individual
44 to the board, the commissioner shall provide an appropriate medical
45 discharge plan established by the department. The department is author-
46 ized to request assistance from the department of health and from the
47 county in which the [~~inmate~~] incarcerated individual resided and commit-
48 ted his or her crime, which shall provide assistance with respect to the
49 development and implementation of a discharge plan, including potential
50 placements of a releasee. The department and the department of health
51 shall jointly develop standards for the medical discharge plan that are
52 appropriately adapted to the criminal justice setting, based on stand-
53 ards established by the department of health for hospital medical
54 discharge planning. The board may postpone its decision pending
55 completion of an adequate discharge plan, or may deny release based on
56 inadequacy of the discharge plan.

1 3. Any certification by the commissioner or the commissioner's desig-
2 nee pursuant to this section shall be deemed a judicial function and
3 shall not be reviewable if done in accordance with law.

4 4. (a) Medical parole granted pursuant to this section shall be for a
5 period of six months.

6 (b) The board shall require as a condition of release on medical
7 parole that the releasee agree to remain under the care of a physician
8 while on medical parole and in a hospital established pursuant to arti-
9 cle twenty-eight of the public health law, a hospice established pursu-
10 ant to article forty of the public health law or any other placement,
11 including a residence with family or others, that can provide appropri-
12 ate medical care as specified in the medical discharge plan required by
13 subdivision two of this section. The medical discharge plan shall state
14 that the availability of the placement has been confirmed, and by whom.
15 Notwithstanding any other provision of law, when an [~~inmate~~] inccarcerat-
16 ed individual who qualifies for release under this section is cognitive-
17 ly incapable of signing the requisite documentation to effectuate the
18 medical discharge plan and, after a diligent search no person has been
19 identified who could otherwise be appointed as the [~~inmate's~~] inccarcer-
20 ated individual's guardian by a court of competent jurisdiction, then,
21 solely for the purpose of implementing the medical discharge plan, the
22 facility health services director at the facility where the [~~inmate~~]
23 inccarcerated individual is currently incarcerated shall be lawfully
24 empowered to act as the [~~inmate's~~] inccarcerated individual's guardian
25 for the purpose of effectuating the medical discharge.

26 (c) Where appropriate, the board shall require as a condition of
27 release that medical parolees be supervised on intensive caseloads at
28 reduced supervision ratios.

29 (d) The board shall require as a condition of release on medical
30 parole that the releasee undergo periodic medical examinations and a
31 medical examination at least one month prior to the expiration of the
32 period of medical parole and, for the purposes of making a decision
33 pursuant to paragraph (e) of this subdivision, that the releasee provide
34 the board with a report, prepared by the treating physician, of the
35 results of such examination. Such report shall specifically state wheth-
36 er or not the parolee continues to suffer from a significant and perma-
37 nent non-terminal and debilitating condition, disease, or syndrome, and
38 to be so debilitated or incapacitated as to be severely restricted in
39 his or her ability to self-ambulate or to perform significant normal
40 activities of daily living.

41 (e) Prior to the expiration of the period of medical parole the board
42 shall review the medical examination report required by paragraph (d) of
43 this subdivision and may again grant medical parole pursuant to this
44 section; provided, however, that the provisions of paragraph (c) of
45 subdivision one and subdivision two of this section shall not apply.

46 (f) If the updated medical report presented to the board states that a
47 parolee released pursuant to this section is no longer so debilitated or
48 incapacitated as to create a reasonable probability that he or she is
49 physically or cognitively incapable of presenting any danger to society
50 or if the releasee fails to submit the updated medical report then the
51 board may not make a new grant of medical parole pursuant to paragraph
52 (e) of this subdivision. Where the board has not granted medical parole
53 pursuant to such paragraph (e) the board shall promptly conduct through
54 one of its members, or cause to be conducted by a hearing officer desig-
55 nated by the board, a hearing to determine whether the releasee is
56 suffering from a significant and permanent non-terminal and incapacitat-

1 ing condition, disease or syndrome and is so debilitated or incapacitated as to create a reasonable probability that he or she is physically or cognitively incapable of presenting any danger to society and does not present a danger to society. If the board makes such a determination then it may make a new grant of medical parole pursuant to the standards of paragraph (b) of subdivision one of this section. At the hearing, the releasee shall have the right to representation by counsel, including the right, if the releasee is financially unable to retain counsel, to have the appropriate court assign counsel in accordance with the county or city plan for representation placed in operation pursuant to article eighteen-B of the county law.

12 (g) The hearing and determination provided for by paragraph (f) of this subdivision shall be concluded within the six month period of medical parole. If the board does not renew the grant of medical parole, it shall order that the releasee be returned immediately to the custody of the department of correctional services.

17 (h) In addition to the procedures set forth in paragraph (f) of this subdivision, medical parole may be revoked at any time upon any of the grounds specified in paragraph (a) of subdivision three of section two hundred fifty-nine-i of this article, and in accordance with the procedures specified in subdivision three of section two hundred fifty-nine-i of this article.

23 (i) A releasee who is on medical parole and who becomes eligible for parole pursuant to the provisions of subdivision two of section two hundred fifty-nine-i of this article shall be eligible for parole consideration pursuant to such subdivision.

27 5. A denial of release on medical parole or expiration of medical parole in accordance with the provisions of paragraph (f) of subdivision four of this section shall not preclude the [~~inmate~~] incarcerated individual from reapplying for medical parole or otherwise affect an [~~inmate's~~] incarcerated individual's eligibility for any other form of release provided for by law.

33 6. To the extent that any provision of this section requires disclosure of medical information for the purpose of processing an application or making a decision, regarding release on medical parole or renewal of medical parole, or for the purpose of appropriately supervising a person released on medical parole, and that such disclosure would otherwise be prohibited by article twenty-seven-F of the public health law, the provisions of this section shall be controlling.

40 7. The commissioner and the chair of the board shall be authorized to promulgate rules and regulations for their respective agencies to implement the provisions of this section.

43 8. Any decision made by the board pursuant to this section may be appealed pursuant to subdivision four of section two hundred fifty-nine-i of this article.

46 9. The chair of the board shall report annually to the governor, the temporary president of the senate and the speaker of the assembly, the chairpersons of the assembly and senate codes committees, the chairperson of the senate crime and corrections committee, and the chairperson of the assembly corrections committee the number of [~~inmates~~] incarcerated individuals who have applied for medical parole under this section; the number who have been granted medical parole; the nature of the illness of the applicants, the counties to which they have been released and the nature of the placement pursuant to the medical discharge plan; the categories of reasons for denial for those who have been denied; the number of releasees who have been granted an additional

1 period or periods of medical parole and the number of such grants; the
2 number of releasees on medical parole who have been returned to impri-
3 sonment in the custody of the department and the reasons for return.

4 § 16. Paragraph b of subdivision 2 of section 265 of the executive
5 law, as amended by section 31 of part A of chapter 56 of the laws of
6 2010, is amended to read as follows:

7 b. Except as provided in section two hundred sixty-six of this arti-
8 cle, applications for such assistance must be made and submitted no
9 later than one hundred eighty days after the effective date of the chap-
10 ter of the laws of nineteen hundred eighty-eight which amended this
11 paragraph and added these words or by the first day of April of each
12 subsequent year and shall be either approved or denied by the office no
13 later than sixty days following such submission. Any part of the moneys
14 so made available and not apportioned pursuant to a plan approved and
15 contract entered into with the office within the time limits required
16 shall be apportioned by the office in its discretion to such a city or
17 counties on a need basis, taking into consideration [~~inmate~~] incarcerat-
18 ed individual population or prior commitment by a county in the develop-
19 ment of alternatives to detention or incarceration programs.

20 § 17. Subdivision 7 of section 508 of the executive law, as amended by
21 section 82 of part WWW of chapter 59 of the laws of 2017, is amended to
22 read as follows:

23 7. While in the custody of the office of children and family services,
24 an offender shall be subject to the rules and regulations of the office,
25 except that his or her parole, temporary release and discharge shall be
26 governed by the laws applicable to [~~inmates~~] incarcerated individuals of
27 state correctional facilities and his or her transfer to state hospitals
28 in the office of mental health shall be governed by section five hundred
29 nine of this [~~chapter~~] title; provided, however, that an otherwise
30 eligible offender may receive the six-month limited credit time allow-
31 ance for successful participation in one or more programs developed by
32 the office of children and family services that are comparable to the
33 programs set forth in section eight hundred three-b of the correction
34 law, taking into consideration the age of offenders. The commissioner of
35 the office of children and family services shall, however, establish and
36 operate temporary release programs at office of children and family
37 services facilities for eligible juvenile offenders and contract with
38 the department of corrections and community supervision for the
39 provision of parole supervision services for temporary releasees. The
40 rules and regulations for these programs shall not be inconsistent with
41 the laws for temporary release applicable to [~~inmates~~] incarcerated
42 individuals of state correctional facilities. For the purposes of tempo-
43 rary release programs for juvenile offenders only, when referred to or
44 defined in article twenty-six of the correction law, "institution" shall
45 mean any facility designated by the commissioner of the office of chil-
46 dren and family services, "department" shall mean the office of children
47 and family services, [~~"inmate"~~] "incarcerated individual" shall mean a
48 juvenile offender residing in an office of children and family services
49 facility, and "commissioner" shall mean the commissioner of the office
50 of children and family services. Time spent in office of children and
51 family services facilities and in juvenile detention facilities shall be
52 credited towards the sentence imposed in the same manner and to the same
53 extent applicable to [~~inmates~~] incarcerated individuals of state correc-
54 tional facilities.

1 § 18. Subdivision 24 of section 553 of the executive law, as added by
2 section 3 of part A of chapter 501 of the laws of 2012, is amended to
3 read as follows:

4 24. To monitor and make recommendations regarding the quality of care
5 provided to [~~inmates~~] incarcerated individuals with serious mental
6 illness, including those who are in a residential mental health treat-
7 ment unit or segregated confinement in facilities operated by the
8 department of corrections and community supervision, and oversee compli-
9 ance with paragraphs (d) and (e) of subdivision six of section one
10 hundred thirty-seven, and section four hundred one of the correction
11 law. Such responsibilities shall be carried out in accordance with
12 section four hundred one-a of the correction law;

13 § 19. Subparagraphs (i) and (ii) of paragraph (c) of subdivision 1,
14 the opening paragraph of paragraph (b) and paragraph (c) of subdivision
15 2 and subdivision 3 of section 632-a of the executive law, subparagraphs
16 (i) and (ii) of paragraph (c) of subdivision 1 as amended by section 100
17 of subpart B of part C of chapter 62 of the laws of 2011, the opening
18 paragraph of paragraph (b) of subdivision 2 as amended by section 101 of
19 subpart B of part C of chapter 62 of the laws of 2011 and paragraph (c)
20 of subdivision 2 and subdivision 3 as amended by section 24 of part A-1
21 of chapter 56 of the laws of 2010, are amended to read as follows:

22 (i) is an [~~inmate~~] incarcerated individual serving a sentence with the
23 department of corrections and community supervision or a prisoner
24 confined at a local correctional facility or federal correctional insti-
25 tute, and includes funds that a superintendent, sheriff or municipal
26 official receives on behalf of an [~~inmate~~] incarcerated individual or
27 prisoner and deposits in an [~~inmate~~] incarcerated individual account to
28 the credit of the [~~inmate~~] incarcerated individual pursuant to section
29 one hundred sixteen of the correction law or deposits in a prisoner
30 account to the credit of the prisoner pursuant to section five hundred-c
31 of the correction law; or

32 (ii) is not an [~~inmate~~] incarcerated individual or prisoner but who is
33 serving a sentence of probation or conditional discharge or is presently
34 subject to an undischarged indeterminate, determinate or definite term
35 of imprisonment or period of post-release supervision or term of super-
36 vised release, but shall include earned income earned during a period in
37 which such person was not in compliance with the conditions of his or
38 her probation, parole, conditional release, period of post-release
39 supervision by the department of corrections and community supervision
40 or term of supervised release with the United States probation office or
41 United States parole commission. For purposes of this subparagraph, such
42 period of non-compliance shall be measured, as applicable, from the
43 earliest date of delinquency determined by the department of corrections
44 and community supervision, or from the earliest date on which a declara-
45 tion of delinquency is filed pursuant to section 410.30 of the criminal
46 procedure law and thereafter sustained, or from the earliest date of
47 delinquency determined in accordance with applicable federal law, rules
48 or regulations, and shall continue until a final determination sustain-
49 ing the violation has been made by the trial court, the department of
50 corrections and community supervision, or appropriate federal authority;
51 or

52 Notwithstanding subparagraph (ii) of paragraph (a) of this subdivi-
53 sion, whenever the payment or obligation to pay involves funds of a
54 convicted person that a superintendent, sheriff or municipal official
55 receives or will receive on behalf of an [~~inmate~~] incarcerated individ-
56 ual serving a sentence with the department of corrections and community

1 supervision or prisoner confined at a local correctional facility and
2 deposits or will deposit in an [~~inmate~~] incarcerated individual account
3 to the credit of the [~~inmate~~] incarcerated individual or in a prisoner
4 account to the credit of the prisoner, and the value, combined value or
5 aggregate value of such funds exceeds or will exceed ten thousand
6 dollars, the superintendent, sheriff or municipal official shall also
7 give written notice to the office.

8 (c) The office, upon receipt of notice of a contract, an agreement to
9 pay or payment of profits from a crime or funds of a convicted person
10 pursuant to paragraph (a) or (b) of this subdivision, or upon receipt of
11 notice of funds of a convicted person from the superintendent, sheriff
12 or municipal official of the facility where the [~~inmate~~] incarcerated
13 individual or prisoner is confined pursuant to section one hundred
14 sixteen or five hundred-c of the correction law, shall notify all known
15 crime victims of the existence of such profits or funds at their last
16 known address.

17 3. Notwithstanding any inconsistent provision of the estates, powers
18 and trusts law or the civil practice law and rules with respect to the
19 timely bringing of an action, any crime victim shall have the right to
20 bring a civil action in a court of competent jurisdiction to recover
21 money damages from a person convicted of a crime of which the crime
22 victim is a victim, or the representative of that convicted person,
23 within three years of the discovery of any profits from a crime or funds
24 of a convicted person, as those terms are defined in this section.
25 Notwithstanding any other provision of law to the contrary, a judgment
26 obtained pursuant to this section shall not be subject to execution or
27 enforcement against the first one thousand dollars deposited in an
28 [~~inmate~~] incarcerated individual account to the credit of the [~~inmate~~]
29 incarcerated individual pursuant to section one hundred sixteen of the
30 correction law or in a prisoner account to the credit of the prisoner
31 pursuant to section five hundred-c of the correction law. In addition,
32 where the civil action involves funds of a convicted person and such
33 funds were recovered by the convicted person pursuant to a judgment
34 obtained in a civil action, a judgment obtained pursuant to this section
35 may not be subject to execution or enforcement against a portion thereof
36 in accordance with subdivision (k) of section fifty-two hundred five of
37 the civil practice law and rules. If an action is filed pursuant to this
38 subdivision after the expiration of all other applicable statutes of
39 limitation, any other crime victims must file any action for damages as
40 a result of the crime within three years of the actual discovery of such
41 profits or funds, or within three years of actual notice received from
42 or notice published by the office of such discovery, whichever is later.

43 § 20. Paragraphs (a), (b) and (c) of subdivision 1 of section 747 of
44 the executive law, as added by chapter 669 of the laws of 1977, is
45 amended to read as follows:

46 (a) To visit and inspect, or cause members of its staff to visit and
47 inspect, at such times as the board may consider to be necessary or
48 appropriate to help insure adequate supervision, public and private
49 facilities or agencies, whether state, county, municipal, incorporated
50 or not incorporated which are in receipt of public funds and which are
51 of a charitable, eleemosynary, correctional or reformatory character,
52 including all reformatories for juveniles and facilities or agencies
53 exercising custody of dependent, neglected, abused, maltreated, aban-
54 doned or delinquent children or persons in need of supervision, agencies
55 engaged in the placing out or boarding out of children as defined in
56 section three hundred seventy-one of the social services law, or in

1 operating homes for unmarried mothers or special care homes, and facili-
2 ties providing residential care for convalescent, invalid, aged, or
3 indigent persons, but excepting state institutions for the education and
4 support of the blind, the deaf and the dumb, and excepting also such
5 institutions as are subject to the visitation and inspection of the
6 state department of mental hygiene or the state commission of
7 correction. As to institutions, whether incorporated or not incorpo-
8 rated, having [~~inmates~~] incarcerated individuals, but not in receipt of
9 public funds, which are of a charitable, eleemosynary, correctional or
10 reformatory character, and agencies, whether incorporated or not incor-
11 porated, not in receipt of public funds, which exercise custody of aban-
12 doned, destitute, dependent, neglected, abused, maltreated or delinquent
13 children or persons in need of supervision, the board shall make
14 inspections, or cause inspections to be made by members of its staff,
15 but solely as to matters directly affecting the health, safety, treat-
16 ment and training of their [~~inmates~~] incarcerated individuals, or of the
17 children under their custody. Visiting and inspecting as herein author-
18 ized shall not be exclusive of other visiting and inspecting now or
19 hereafter authorized by law.

20 (b) To have full access to the grounds, buildings, records, documents,
21 books and papers relating to any facility or agency subject to being
22 visited and inspected by the board, including all case records of
23 [~~inmates~~] incarcerated individuals and children under their custody and
24 all financial records.

25 (c) Upon visiting or inspecting any facility or agency under this
26 article, inquiry may be made to ascertain the quality of supervision
27 exercised by state and local agencies responsible for supervising such
28 facilities and agencies, and the quality of program and operating stand-
29 ards established by such state and local agencies, and to ascertain the
30 adequacy of such state and local agency supervision to determine the
31 following:

32 (i) whether the objects of the facility or agency are being accom-
33 plished;

34 (ii) whether the applicable laws, rules and regulations governing its
35 operation are fully complied with;

36 (iii) its methods of and equipment for vocational and scholastic
37 education, and whether the same are best suited to the needs of its
38 [~~inmates~~] incarcerated individuals or children under their custody;

39 (iv) its methods of administration; and of providing care, medical
40 attention, treatment and discipline of its residents and beneficiaries,
41 and whether the same are best adapted to the needs of the residents and
42 beneficiaries;

43 (v) the qualifications and general conduct of its officers and employ-
44 ees;

45 (vi) the condition of its grounds, buildings and other property;

46 (vii) the sources of public moneys received by any institution in
47 receipt of public funds and the management and condition of its finances
48 generally; and

49 (viii) any other matter connected with or pertaining to its usefulness
50 and good management or to the interest of its residents or benefici-
51 aries.

52 § 21. Section 750 of the executive law, as added by chapter 110 of the
53 laws of 1971 and as renumbered by chapter 669 of the laws of 1977, is
54 amended to read as follows:

55 § 750. Duties of the attorney general and district attorneys. If, in
56 the opinion of the board, any matter in regard to the management or

1 affairs of any such institution, society or association, or any [~~inmate~~]
2 incarcerated individual or person in any way connected therewith,
3 require legal investigation or action of any kind, notice thereof may be
4 given by the board, to the attorney general, and he shall thereupon make
5 inquiry and take such proceedings in the premises as he may deem neces-
6 sary and proper. The attorney general and every district attorney shall,
7 when so required, furnish such legal assistance, counsel or advice as
8 the board may require in the discharge of its duties.

9 § 22. Subdivision 6-a of section 837 of the executive law, as added by
10 section 4 of part 00 of chapter 56 of the laws of 2010, is amended to
11 read as follows:

12 6-a. Upon request, provide an [~~inmate~~] incarcerated individual of the
13 state or local correctional facility, at no charge, with a copy of all
14 criminal history information maintained on file by the division pertain-
15 ing to such [~~inmate~~] incarcerated individual.

16 § 23. Paragraph (c) of subdivision 6 of section 95 of the public offi-
17 cers law, as added by chapter 652 of the laws of 1983, is amended to
18 read as follows:

19 (c) personal information pertaining to the incarceration of an
20 [~~inmate~~] incarcerated individual at a state correctional facility which
21 is evaluative in nature or which, if such access was provided, could
22 endanger the life or safety of any person, unless such access is other-
23 wise permitted by law or by court order;

24 § 24. Paragraph (c) of subdivision 2 of section 96 of the public offi-
25 cers law, as added by chapter 652 of the laws of 1983, is amended to
26 read as follows:

27 (c) personal information pertaining to the incarceration of an
28 [~~inmate~~] incarcerated individual at a state correctional facility which
29 is evaluative in nature or which, if disclosed, could endanger the life
30 or safety of any person, unless such disclosure is otherwise permitted
31 by law;

32 § 25. Subdivisions 12, 12-d and 12-g of section 8 of the state finance
33 law, subdivision 12 as amended by section 156 of subpart B of part C of
34 chapter 62 of the laws of 2011, subdivision 12-d as amended by chapter
35 165 of the laws of 2017 and subdivision 12-g as amended by section 157
36 of subpart B of part C of chapter 62 of the laws of 2011, are amended to
37 read as follows:

38 12. Notwithstanding any inconsistent provision of the court of claims
39 act, examine, audit and certify for payment any claim submitted and
40 approved by the head of any institution in the department of mental
41 hygiene, the department of corrections and community supervision, the
42 department of health or the office of children and family services for
43 personal property damaged or destroyed by any [~~inmate~~] incarcerated
44 individual thereof, or for personal property of an employee damaged or
45 destroyed without fault on his or her part, by a fire in said institu-
46 tion; or any claim submitted and approved by the head of any institution
47 in the department of mental hygiene or the office of children and family
48 services for real or personal property damaged or destroyed or for
49 personal injuries caused by any patient during thirty days from the date
50 of his or her escape from such institution; or any claim submitted and
51 approved by the commissioner of the department of corrections and commu-
52 nity supervision for personal property of an employee damaged or
53 destroyed without fault on his or her part as a result of actions unique
54 to the performance of his or her official duties in accordance with
55 rules and regulations promulgated by the commissioner of the department
56 of corrections and community supervision with the approval of the comp-

1 troller; or any claim submitted and approved by the chief administrator
2 of the courts for personal property of any judge or justice of the
3 unified court system or of any nonjudicial officer or employee thereof
4 damaged or destroyed, without fault on his or her part, by any party,
5 witness, juror or bystander to court proceedings, provided no such claim
6 may be certified for payment to a nonjudicial officer or employee who is
7 in a collective negotiating unit until the chief administrator shall
8 deliver to the comptroller a certificate that there is in effect with
9 respect to such negotiating unit a written collective bargaining agree-
10 ment with the state pursuant to article fourteen of the civil service
11 law which provides therefor; or any claim submitted and approved by the
12 superintendent of state police for personal property of a member of the
13 state police damaged or destroyed without fault on his or her part as a
14 result of actions unique to the performance of police duties in accord-
15 ance with rules and regulations promulgated by the superintendent with
16 the approval of the comptroller; or any claim submitted and approved by
17 the head of a state department or agency having employees in the securi-
18 ty services unit or the security supervisors unit for personal property
19 of a member of such units damaged or destroyed without fault on his or
20 her part as a result of actions unique to the performance of law
21 enforcement duties in accordance with rules and regulations promulgated
22 by the department or agency head, after consultation with the employee
23 organization representing such units and with the approval of the comp-
24 troller and payment of any such claim shall not exceed the sum of three
25 hundred fifty dollars. Where an agreement between the state and an
26 employee organization reached pursuant to the provisions of article
27 fourteen of the civil service law provides for payments to be made to
28 employees by an institution, such payments for claims not in excess of
29 seventy-five dollars, or one hundred fifty dollars if otherwise provided
30 in accordance with the terms of such agreement, may be made from a petty
31 cash account established pursuant to section one hundred fifteen of this
32 chapter, and in the manner prescribed therein.

33 12-d. Notwithstanding any inconsistent provision of the court of
34 claims act, examine, audit and certify for payment any claim submitted
35 and approved by the head of a state department or agency, other than a
36 department or agency specified in subdivision twelve of this section,
37 for personal property of an employee damaged or destroyed in the course
38 of the performance of official duties without fault on his or her part
39 by an [~~inmate~~] incarcerated individual, patient or client of such
40 department or agency after March thirty-first, two thousand sixteen and
41 prior to April first, two thousand twenty-one, provided no such claim
42 may be certified for payment to an officer or employee who is in a
43 collective negotiating unit until the director of employee relations
44 shall deliver to the comptroller a letter that there is in effect with
45 respect to such negotiating unit a written collectively negotiated
46 agreement with the state pursuant to article fourteen of the civil
47 service law which provides therefor. Payment of any such claim shall
48 not exceed the sum of three hundred dollars. No person submitting a
49 claim under this subdivision shall have any claim for damages to such
50 personal property approved pursuant to the provision of subdivision four
51 of section five hundred thirty of the labor law or any other applicable
52 provision of law.

53 12-g. Notwithstanding any other provision of the court of claims act
54 or any other law to the contrary, thirty days before the comptroller
55 issues a check for payment to an [~~inmate~~] incarcerated individual serv-
56 ing a sentence of imprisonment with the department of corrections and

1 community supervision or to a prisoner confined at a local correctional
2 facility for any reason, including a payment made in satisfaction of any
3 damage award in connection with any lawsuit brought by or on behalf of
4 such [~~inmate~~] incarcerated individual or prisoner against the state or
5 any of its employees in federal court or any other court, the comp-
6 troller shall give written notice, if required pursuant to subdivision
7 two of section six hundred thirty-two-a of the executive law, to the
8 office of victim services that such payment shall be made thirty days
9 after the date of such notice.

10 § 26. Subparagraph 4 of paragraph a of subdivision 1 of section 54 of
11 the state finance law, as amended by section 158 of subpart B of part C
12 of chapter 62 of the laws of 2011, is amended to read as follows:

13 (4) Population excludes the reservation and school Indian population
14 and [~~inmates~~] incarcerated individuals of institutions under the direc-
15 tion, supervision or control of the state department of corrections and
16 community supervision and the state department of mental hygiene and the
17 [~~inmates~~] incarcerated individuals of state institutions operated and
18 maintained by the office of children and family services.

19 § 27. Subdivision 3 of section 127 of the state finance law, as
20 amended by chapter 420 of the laws of 1968, is amended to read as
21 follows:

22 3. The work of construction, alteration, repair or improvement of
23 buildings or plant of any such state institution may be done by the
24 employment of [~~inmate~~] incarcerated individual or outside labor, either
25 or both, and by purchase of materials in the open market whenever, in
26 the opinion of the comptroller, the department having jurisdiction and
27 the commissioner of general services, or an authorized representative of
28 his department, such course shall be more advantageous to the state. No
29 compensation shall be allowed for the employment of [~~inmate~~] incarcerat-
30 ed individual labor except convict labor.

31 § 28. The closing paragraph of section 135 of the state finance law,
32 as amended by section 3 of part MM of chapter 57 of the laws of 2008, is
33 amended to read as follows:

34 Nothing in this section shall be construed to prevent the authorities
35 in charge of any state building, from performing any such branches of
36 work by or through their regular employees, or in the case of public
37 institutions, by the [~~inmates~~] incarcerated individuals thereof.

38 § 29. Subdivision (d) of section 484 of the tax law, as amended by
39 section 168 of subpart B of part C of chapter 62 of the laws of 2011, is
40 amended to read as follows:

41 (d) The provisions of this article shall not be applicable to any sale
42 as to which the tax imposed by section four hundred seventy-one of this
43 chapter is not applicable or to a sale to the department of corrections
44 and community supervision of this state for sale to or use by [~~inmates~~]
45 incarcerated individuals in institutions under the jurisdiction of such
46 department.

47 § 30. Subdivision (c) of section 1846 of the tax law, as amended by
48 chapter 556 of the laws of 2011, is amended to read as follows:

49 (c) In the alternative, the tax commission may dispose of any ciga-
50 rettes seized pursuant to this section, except those that violate, or
51 are suspected of violating, federal trademark laws or import laws, by
52 transferring them to the department of corrections and community super-
53 vision for sale to or use by [~~inmates~~] incarcerated individuals in such
54 institutions.

55 § 31. Subdivision (c) of section 1846-a of the tax law, as amended by
56 chapter 556 of the laws of 2011, is amended to read as follows:

1 (c) In the alternative, the commissioner may dispose of any tobacco
2 products seized pursuant to this section, except those that violate, or
3 are suspected of violating, federal trademark or import laws, by trans-
4 ferring them to the department of corrections and community supervision
5 for sale to or use by [~~inmates~~] incarcerated individuals in such insti-
6 tutions.

7 § 32. Subdivision 6 of section 16 of the workers' compensation law, as
8 amended by chapter 550 of the laws of 1978, is amended to read as
9 follows:

10 6. If there be a person entitled to death benefits under the
11 provisions of this section, who shall be under the age of eighteen
12 years, and who shall be an [~~inmate~~] incarcerated individual of any
13 institution and a public charge upon the department of social services
14 of the city of New York, or any other department or body, the benefits
15 allowed hereunder shall be payable to the said department of public
16 welfare of the city of New York or any other department or body to the
17 extent of the reasonable charges for the care and maintenance, during
18 the continuance as a public charge in said institution, of said benefi-
19 ciary and until the said person shall have attained the age of eighteen
20 years. Any sum or sums remaining after the said payment out of the bene-
21 fits shall be distributed as provided by the other subdivisions of this
22 section.

23 § 33. Paragraph d of subdivision 2 of section 133 of the labor law, as
24 amended by chapter 294 of the laws of 1967, is amended to read as
25 follows:

26 d. penal or correctional institutions, if such employment relates to
27 the custody or care of prisoners or [~~inmates~~] incarcerated individuals;

28 § 34. Subdivision 1 of section 168 of the labor law, as amended by
29 section 18 of part AA of chapter 56 of the laws of 2019, is amended to
30 read as follows:

31 1. This section shall apply to all persons employed by the state in
32 the ward, cottage, colony, kitchen and dining room, and guard service
33 personnel in any hospital, school, prison, reformatory or other institu-
34 tion within or subject to the jurisdiction, supervision, control or
35 visitation of the department of corrections and community supervision,
36 the department of health, the department of mental hygiene, the depart-
37 ment of social welfare or the division of veterans' services in the
38 executive department, and engaged in the performance of such duties as
39 nursing, guarding or attending the [~~inmates~~] incarcerated individuals,
40 patients, wards or other persons kept or housed in such institutions, or
41 in protecting and guarding the buildings and/or grounds thereof, or in
42 preparing or serving food therein.

43 § 35. Subdivision 1 of section 459 of the labor law, as amended by
44 section 10 of part CC of chapter 57 of the laws of 2009, is amended to
45 read as follows:

46 1. A license or certificate, or the renewal thereof may be denied
47 where the commissioner has probable reason to believe, based on know-
48 ledge or reliable information, or finds, after investigation, that the
49 applicant or any officer, servant, agent or employee of the applicant is
50 not sufficiently reliable and experienced to be authorized to own,
51 possess, store, transport, use, manufacture, deal in, sell, purchase or
52 otherwise handle, as the case may be, explosives, lacks suitable facili-
53 ties therefor, has been convicted of a felony, is disloyal or hostile to
54 the United States, has been confined as a patient or [~~inmate~~] incarcer-
55 ated individual in a public or private institution for the treatment of
56 mental diseases or has been convicted under section four hundred eight-

1 y-four of the general business law. Whenever the commissioner denies an
2 application for a license or certificate or the renewal thereof, within
3 five days of such denial, notice thereof and the reasons therefor shall
4 be provided in writing to the applicant. Such denial may be appealed to
5 the commissioner who shall follow the procedure provided by subdivision
6 four of this section.

7 § 36. Paragraph (e) of subdivision 2 of section 563 of the labor law,
8 as amended by chapter 413 of the laws of 1991, is amended to read as
9 follows:

10 (e) an [~~inmate~~] incarcerated individual of a custodial or penal insti-
11 tution;

12 § 37. Paragraph (g) of subdivision 2 of section 565 of the labor law,
13 as added by chapter 675 of the laws of 1977, is amended to read as
14 follows:

15 (g) an [~~inmate~~] incarcerated individual of a custodial or penal insti-
16 tution.

17 § 38. Subparagraph 4 of paragraph (e) of subdivision 1 of section 581
18 of the labor law, as amended by chapter 589 of the laws of 1998, is
19 amended to read as follows:

20 (4) An employer's account shall not be charged, and the charges shall
21 instead be made to the general account, for benefits paid to a claimant
22 based on base period employment while the claimant was an [~~inmate~~]
23 incarcerated individual of a correctional institution and enrolled in a
24 work release program, provided that the employment was terminated solely
25 because the [~~inmate~~] incarcerated individual was required to relocate to
26 another area as a condition of parole or the [~~inmate~~] incarcerated indi-
27 vidual voluntarily relocated to another area immediately upon being
28 released or paroled from such correctional institution.

29 § 39. Subdivision 2 of section 103 of the transportation law, as
30 amended by chapter 72 of the laws of 1976, is amended to read as
31 follows:

32 2. No common carrier subject to the provisions of this chapter shall,
33 directly or indirectly, issue or give any free ticket, free pass or free
34 transportation for passengers or property between points within this
35 state, except to its officers, employees, agents, surgeons, physicians,
36 attorneys-at-law, and their families; to ministers of religion, officers
37 and employees of railroad young men's christian associations, [~~inmates~~]
38 incarcerated individuals of hospitals, charitable and eleemosynary
39 institutions and persons exclusively engaged in charitable and eleemosy-
40 nary work; and to indigent, destitute and homeless persons and to such
41 persons when transported by charitable societies or hospitals, and the
42 necessary agents employed in such transportation; to [~~inmates~~] incarcer-
43 ated individuals of the national homes or state homes for disabled
44 volunteer soldiers and of soldiers' and sailors' homes, including those
45 about to enter and those returning home after discharge, and boards of
46 managers of such homes; to necessary caretakers of property in transit;
47 to employees of sleeping-car companies, express companies, telegraph and
48 telephone companies doing business along the line of the issuing carri-
49 er; to railway mail service employees, post-office inspectors, mail
50 carriers in uniform, customs inspectors and immigration inspectors; to
51 newspaper carriers on trains, baggage agents, witnesses attending any
52 legal investigation or proceeding in which the common carrier is inter-
53 ested, persons injured in accidents or wrecks and physicians and nurses
54 attending such persons; to the carriage free or at reduced rates of
55 persons or property for the United States, state or municipal govern-

1 ments, or of property to or from fairs and expositions for exhibit ther-
2 eat.

3 § 40. Paragraph (i) of subdivision 3 of section 503 of the vehicle and
4 traffic law, as amended by chapter 548 of the laws of 1986, is amended
5 to read as follows:

6 (i) is an [~~inmate~~] incarcerated individual in an institution under the
7 jurisdiction of a state department or agency, or

8 § 41. Subdivision 5 of section 1809 of the vehicle and traffic law, as
9 amended by chapter 385 of the laws of 1999, is amended to read as
10 follows:

11 5. When a person who is convicted of a crime or traffic infraction and
12 sentenced to a term of imprisonment has failed to pay the mandatory
13 surcharge or crime victim assistance fee required by this section, the
14 clerk of the court or the administrative tribunal that rendered the
15 conviction shall notify the superintendent or the municipal official of
16 the facility where the person is confined. The superintendent or the
17 municipal official shall cause any amount owing to be collected from
18 such person during his or her term of imprisonment from moneys to the
19 credit of an [~~inmates'~~] incarcerated individuals' fund or such moneys as
20 may be earned by a person in a work release program pursuant to section
21 eight hundred sixty of the correction law. Such moneys shall be paid
22 over to the state comptroller to the credit of the criminal justice
23 improvement account established by section ninety-seven-bb of the state
24 finance law, except that any such moneys collected which are surcharges
25 or crime victim assistance fees levied in relation to convictions
26 obtained in a town or village justice court shall be paid within thirty
27 days after the receipt thereof by the superintendent or municipal offi-
28 cial of the facility to the justice of the court in which the conviction
29 was obtained. For the purposes of collecting such mandatory surcharge or
30 crime victim assistance fee, the state shall be legally entitled to the
31 money to the credit of an [~~inmates'~~] incarcerated individuals' fund or
32 money which is earned by an [~~inmate~~] incarcerated individual in a work
33 release program. For purposes of this subdivision, the term "[~~inmates'~~]
34 incarcerated individuals' fund" shall mean moneys in the possession of
35 an [~~inmate~~] incarcerated individual at the time of his admission into
36 such facility, funds earned by him or her as provided for in section one
37 hundred eighty-seven of the correction law and any other funds received
38 by him or her or on his or her behalf and deposited with such super-
39 intendent or municipal official.

40 § 42. Subdivision 3 of section 11-0707 of the environmental conserva-
41 tion law, as amended by section 20 of part AA of chapter 56 of the laws
42 of 2019, is amended to read as follows:

43 3. Any person who is a patient at any facility in this state main-
44 tained by the United States Veterans Health Administration or at any
45 hospital or sanitorium for treatment of tuberculosis maintained by the
46 state or any municipal corporation thereof or resident patient at any
47 institution of the department of Mental Hygiene, or resident patient at
48 the rehabilitation hospital of the department of Health, or at any rest
49 camp maintained by the state through the Division of Veterans' Services
50 in the Executive Department or any [~~inmate~~] incarcerated individual of a
51 conservation work camp within the youth rehabilitation facility of the
52 department of corrections and community supervision, or any [~~inmate~~]
53 incarcerated individual of a youth opportunity or youth rehabilitation
54 center within the Office of Children and Family Services, any resident
55 of a nursing home or residential health care facility as defined in
56 subdivisions two and three of section twenty-eight hundred one of the

1 public health law, or any staff member or volunteer accompanying or
2 assisting one or more residents of such nursing home or residential
3 health care facility on an outing authorized by the administrator of
4 such nursing home or residential health care facility may take fish as
5 if he or she held a fishing license, except that he or she may not take
6 bait fish by net or trap, if he or she has on his or her person an
7 authorization upon a form furnished by the department containing such
8 identifying information and data as may be required by it, and signed by
9 the superintendent or other head of such facility, institution, hospi-
10 tal, sanitarium, nursing home, residential health care facility or rest
11 camp, as the case may be, or by a staff physician thereat duly author-
12 ized so to do by the superintendent or other head thereof. Such authori-
13 zation with respect to [~~inmates~~] incarcerated individuals of said
14 conservation work camps shall be limited to areas under the care, custo-
15 dy and control of the department.

16 § 43. Subdivision 1 of section 10 of the public buildings law, as
17 amended by section 127-r of subpart B of part C of chapter 62 of the
18 laws of 2011, is amended to read as follows:

19 1. Except as provided in subdivision two of this section, whenever the
20 head of any agency, board, division or commission, with the approval of
21 the director of the budget, (a) shall certify to the commissioner of
22 general services that any property on state land or on land under lease
23 to the state and consisting of buildings with or without fixtures
24 attached thereto, and any other improvements upon such lands, are unfit,
25 not adapted or not needed for use by such agency, board, division or
26 commission and (b) shall recommend for reasons to be stated, that the
27 said property should be disposed of, the commissioner of general
28 services shall, after causing an investigation to be made, dispose of
29 said property by sale or demolition as will best promote the public
30 interest. Public notice of a proposed sale where the value of the prop-
31 erty to be sold exceeds five thousand dollars shall be given by adver-
32 tising at least once in a newspaper published and having a general
33 circulation in the county in which such lands are located and in such
34 other newspaper or newspapers as the commissioner of general services
35 may deem to be necessary. Such advertisement shall give a general
36 description and location of the property and the terms of the sale and
37 the date on which proposals for the same will be received by the commis-
38 sioner of general services. Should any or all of the offers so received
39 be deemed by the commissioner of general services to be too low, he or
40 she may dispose of such property so advertised at private sale within
41 ninety days of the opening of the bids, provided that no such private
42 sale shall be consummated at a price lower than that submitted as a
43 result of public advertising. The commissioner of general services shall
44 also have the power to demolish such property either by contract or, if
45 such property is located on lands which are under the jurisdiction of
46 the department of corrections and community supervision, the work of
47 such demolition may be done by the [~~inmates~~] incarcerated individuals
48 of the institution where such property is located, provided however that
49 the commissioner of corrections and community supervision shall consent
50 to the employment of the [~~inmates~~] incarcerated individuals for the work
51 of demolition. The provisions of this subdivision shall be effective
52 notwithstanding the provisions of any other general or special law
53 relating to the disposal of buildings with the fixtures attached thereto
54 or of any improvements upon lands belonging to or under lease to the
55 state, and any such statute or parts thereof relating to such disposal
56 of buildings, fixtures and improvements insofar as they are inconsistent

1 with the provisions of this section are hereby superseded. A record of
2 any such sale shall be filed with the state agency head above referred
3 to and the proceeds of such sale or disposal shall be paid into the
4 treasury of the state to the credit of the capital projects fund.

5 § 44. Section 19 of the public buildings law, as amended by chapter
6 420 of the laws of 1968, is amended to read as follows:

7 § 19. Manner of doing work or acquiring material. The work of
8 construction, reconstruction, alteration, repair or improvement of any
9 state building, whether constructed or to be constructed, may be done by
10 the employment of [~~inmate~~] incarcerated individuals or outside labor or
11 both and by the purchase of materials in the open market whenever in the
12 opinion of the department having jurisdiction over such building, and
13 the commissioner of general services or his or her authorized represen-
14 tative, such a course shall be deemed advantageous to the state, and
15 only upon plans and specifications prepared by the commissioner of
16 general services, but no compensation shall be allowed for the employ-
17 ment of [~~inmate~~] incarcerated individual labor except convict labor.

18 § 45. Subdivision 1 of section 140 of the public buildings law, as
19 amended by chapter 510 of the laws of 2004, is amended to read as
20 follows:

21 1. It shall be the duty of each superintendent or chief executive
22 officer of each of the public institutions and buildings of the state,
23 supported wholly or partly by the funds of the state, to provide that
24 the following regulations for the protection of the [~~inmates~~] incarcer-
25 ated individuals of said buildings and the buildings be complied with:
26 There shall be provided a sufficient number of stand-pipes, with
27 connections or outlets on each floor, and sufficient fire hose to prop-
28 erly protect the entire floor surface. Sufficient portable fire extin-
29 guishers shall be provided on each floor of each building to provide
30 adequate fire protection. All fire hose shall be inspected under the
31 direction of the engineer at least once every six months and shall be
32 maintained at all times in proper condition. On each floor of every
33 public building having two or more stories where the rooms are connected
34 by an interior hallway, there shall be posted by each stairway, elevator
35 or other means of egress, a printed scale floor plan of that particular
36 story, which shall show all means of egress, clearly labeling those to
37 be used in case of fire. Such posted floor plan shall clearly indicate
38 exits which would be accessible for a person having a disability, as
39 such term is defined in subdivision twenty-one of section two hundred
40 ninety-two of the executive law. Such floor plan shall be posted in at
41 least two other conspicuous areas through the building. Said floor plan
42 shall be no smaller than eight inches by ten inches and shall be posted
43 in such a manner that it cannot be readily removed. Unless exit doors at
44 floor level are provided at fire escapes suitable steps must be provided
45 under other openings used as exits to fire escapes which are not at
46 floor level. Painters' supplies and inflammable liquids of all kinds
47 must not be stored in buildings occupied by wards of the state or
48 employees. All attics and basements must be constantly kept free from
49 rubbish or articles not necessary to the proper conduct of the institu-
50 tion or building, and must be regularly swept, cleaned and all broken or
51 needless articles promptly removed.

52 § 46. Subdivision 26 of section 206 of the public health law, as
53 amended by section 127-t of subpart B of part C of chapter 62 of the
54 laws of 2011, is amended to read as follows:

55 26. The commissioner is hereby authorized and directed to review any
56 policy or practice instituted in facilities operated by the department

1 of corrections and community supervision, and in all local correctional
2 facilities, as defined in subdivision sixteen of section two of the
3 correction law, regarding human immunodeficiency virus (HIV), acquired
4 immunodeficiency syndrome (AIDS), and hepatitis C (HCV) including the
5 prevention of the transmission of HIV and HCV and the treatment of AIDS,
6 HIV and HCV among [~~inmates~~] incarcerated individuals. Such review shall
7 be performed annually and shall focus on whether such HIV, AIDS or HCV
8 policy or practice is consistent with current, generally accepted
9 medical standards and procedures used to prevent the transmission of HIV
10 and HCV and to treat AIDS, HIV and HCV among the general public. In
11 performing such reviews, in order to determine the quality and adequacy
12 of care and treatment provided, department personnel are authorized to
13 enter correctional facilities and inspect policy and procedure manuals
14 and medical protocols, interview health services providers and [~~inmate~~]
15 incarcerated individual-patients, review medical grievances, and inspect
16 a representative sample of medical records of [~~inmates~~] incarcerated
17 individuals known to be infected with HIV or HCV or have AIDS. Prior to
18 initiating a review of a correctional system, the commissioner shall
19 inform the public, including patients, their families and patient advo-
20 cates, of the scheduled review and invite them to provide the commis-
21 sioner with relevant information. Upon the completion of such review,
22 the department shall, in writing, approve such policy or practice as
23 instituted in facilities operated by the department of corrections and
24 community supervision, and in any local correctional facility, or, based
25 on specific, written recommendations, direct the department of
26 corrections and community supervision, or the authority responsible for
27 the provision of medical care to [~~inmates~~] incarcerated individuals in
28 local correctional facilities to prepare and implement a corrective plan
29 to address deficiencies in areas where such policy or practice fails to
30 conform to current, generally accepted medical standards and procedures.
31 The commissioner shall monitor the implementation of such corrective
32 plans and shall conduct such further reviews as the commissioner deems
33 necessary to ensure that identified deficiencies in HIV, AIDS and HCV
34 policies and practices are corrected. All written reports pertaining to
35 reviews provided for in this subdivision shall be maintained, under such
36 conditions as the commissioner shall prescribe, as public information
37 available for public inspection.

38 § 47. Subdivision 2 of section 579 of the public health law, as
39 amended by section 128 of subpart B of part C of chapter 62 of the laws
40 of 2011, is amended to read as follows:

41 2. This title shall not be applicable to and the department shall not
42 have the power to regulate pursuant to this title: (a) any examination
43 performed by a state or local government of materials derived from the
44 human body for use in criminal identification or as evidence in a crimi-
45 nal proceeding or for investigative purposes; (b) any test conducted
46 pursuant to paragraph (c) of subdivision four of section eleven hundred
47 ninety-four of the vehicle and traffic law and paragraph (c) of subdivi-
48 sion eight of section 25.24 of the parks, recreation and historic pres-
49 ervation law; (c) any examination performed by a state or local agency
50 of materials derived from the body of an [~~inmate~~] incarcerated individ-
51 ual, pretrial releasee, parolee, conditional releasee or probationer to
52 (i) determine, measure or otherwise describe the presence or absence of
53 any substance whose possession, ingestion or use is prohibited by law,
54 the rules of the department of corrections and community supervision,
55 the conditions of release established by the board of parole, the condi-
56 tions of release established by a court or a local conditional release

1 commission or the conditions of any program to which such individuals
2 are referred and (ii) to determine whether there has been a violation
3 thereof; or (d) any examination performed by a coroner or medical exam-
4 iner for the medical-legal investigation of a death. Nothing herein
5 shall prevent the department from consulting with the division of crimi-
6 nal justice services, the department of corrections and community super-
7 vision, the state police, or any other state agency or commission, at
8 the request of the division of criminal justice services, the department
9 of corrections and community supervision, the state police, or such
10 other agency or commission, concerning examination of materials for
11 purposes other than public health.

12 § 48. Intentionally omitted.

13 § 49. Subdivision 3 of section 2122 of the public health law is
14 amended to read as follows:

15 3. The authorities of the institution to which such person is commit-
16 ted by the magistrate pursuant to the provisions of this section shall
17 keep such person separate and apart from the other [~~inmates~~] incarcerat-
18 ed individuals.

19 § 50. Paragraph (a) of subdivision 10 of section 2140 of the public
20 health law, as added by chapter 180 of the laws of 2002, is amended to
21 read as follows:

22 (a) as an [~~inmate~~] incarcerated individual of any state or federal
23 prison, or

24 § 51. Subdivision 3 of section 2200 of the public health law is
25 amended to read as follows:

26 3. Qualification on residence. The continuous residence required to
27 acquire either state residence or local residence shall not include any
28 period during which the person was (a) a patient in a hospital, or (b)
29 an [~~inmate~~] incarcerated individual of any public institution, incorpo-
30 rated private institution, or private tuberculosis home, cottage or
31 hospital, or (c) residing on any military reservation. If, however, the
32 periods of residence immediately prior and subsequent to the periods
33 specified in (a), (b), or (c) shall together equal the required period
34 of residence, such person shall be deemed to have the required contin-
35 uous residence.

36 § 52. Intentionally omitted.

37 § 53. Paragraph (a-1) of subdivision 1 and paragraph (o) of subdivi-
38 sion 11 of section 2807-c of the public health law, paragraph (a-1) of
39 subdivision 1 as amended by chapter 639 of the laws of 1996 and para-
40 graph (o) of subdivision 11 as amended by chapter 731 of the laws of
41 1993, are amended to read as follows:

42 (a-1) Payments made by local governmental agencies to general hospi-
43 tals for reimbursement of inpatient hospital services provided to
44 [~~inmates~~] incarcerated individuals of local correctional facilities as
45 defined in subdivision sixteen of section two of the correction law
46 shall be at the rates of payment determined pursuant to this section for
47 state governmental agencies, excluding adjustments pursuant to subdivi-
48 sion fourteen-f of this section.

49 (o) No general hospital shall refuse to provide hospital services to a
50 person presented or proposed to be presented for admission to such
51 general hospital by a representative of a correctional facility or a
52 local correctional facility as defined respectively in subdivisions
53 four, fifteen and sixteen of section two of the correction law based
54 solely on the grounds such person is an [~~inmate~~] incarcerated individual
55 of such correctional facility or local correctional facility. No general
56 hospital may demand or request any charge for hospital services provided

1 to such person in addition to the charges or rates authorized in accord-
2 ance with this article, except for charges for identifiable additional
3 hospital costs associated with or reasonable additional charges associ-
4 ated with security arrangements for such person.

5 § 53-a. Paragraph (a-1) of subdivision 1 of section 2807-c of the
6 public health law, as amended by chapter 731 of the laws of 1993, is
7 amended to read as follows:

8 (a-1) Payments made by local governmental agencies to general hospi-
9 tals for reimbursement of inpatient hospital services provided to
10 [~~inmates~~] incarcerated individuals of local correctional facilities as
11 defined in subdivision sixteen of section two of the correction law
12 shall be at the rates of payment determined pursuant to this section for
13 state governmental agencies.

14 § 54. Subdivisions 1, 2 and 4 of section 4165 of the public health
15 law, as amended by chapter 384 of the laws of 1971, are amended to read
16 as follows:

17 1. Directors, superintendents, managers or other persons in charge of
18 hospitals, homes for indigents, lying-in or other institutions, public
19 or private, to which persons resort for treatment of diseases or
20 confinement, or to which persons are committed by process of law, shall
21 make, at the time of their admittance, a record of all the personal and
22 statistical particulars relative to the patients and [~~inmates~~] incarcer-
23 ated individuals in their institutions, which are required in the forms
24 of the certificate provided for by this article as directed by the
25 commissioner.

26 2. The personal particulars and information required by this section
27 shall be obtained from the patient or [~~inmate~~] incarcerated individual,
28 if it is practicable to do so; and when they cannot be so obtained, they
29 shall be obtained in as complete a manner as possible from relatives,
30 friends, or other persons acquainted with the facts.

31 4. The records of patients or [~~inmates~~] incarcerated individuals
32 obtained in accordance with this section shall not be sold to any person
33 for promotional or profit-making purposes without the written consent of
34 such patient or [~~inmate~~] incarcerated individual or the written consent
35 of the legal representative of such patient or [~~inmate~~] incarcerated
36 individual.

37 § 55. Subdivision 4 of section 4174 of the public health law, as
38 amended by chapter 323 of the laws of 2016, is amended to read as
39 follows:

40 4. No fee shall be charged for a search, certification, certificate,
41 certified copy or certified transcript of a record to be used for school
42 entrance, employment certificate or for purposes of public relief or
43 when required by the veterans administration to be used in determining
44 the eligibility of any person to participate in the benefits made avail-
45 able by the veterans administration or when required by a board of
46 elections for the purposes of determining voter eligibility or when
47 requested by the department of corrections and community supervision or
48 a local correctional facility as defined in subdivision sixteen of
49 section two of the correction law for the purpose of providing a certi-
50 fied copy or certified transcript of birth to an [~~inmate~~] incarcerated
51 individual in anticipation of such [~~inmate's~~] incarcerated individual's
52 release from custody or to obtain a death certificate to be used for
53 administrative purposes for an [~~inmate~~] incarcerated individual who has
54 died under custody or when requested by the office of children and fami-
55 ly services or an authorized agency for the purpose of providing a
56 certified copy or certified transcript of birth to a youth placed in the

1 care and custody or custody and guardianship of the local commissioner
2 of social services or the care and custody or custody and guardianship
3 of the office of children and family services in anticipation of such
4 youth's discharge from placement or foster care.

5 § 56. Section 4179 of the public health law, as amended by chapter 323
6 of the laws of 2016, is amended to read as follows:

7 § 4179. Vital records; fees; city of New York. Notwithstanding the
8 provisions of paragraph one of subdivision a of section 207.13 of the
9 health code of the city of New York, the department of health shall
10 charge, and the applicant shall pay, for a search of two consecutive
11 calendar years under one name and the issuance of a certificate of
12 birth, death or termination of pregnancy, or a certification of birth or
13 death, or a certification that the record cannot be found, a fee of
14 fifteen dollars for each copy. Provided, however, that no such fee shall
15 be charged when the department of corrections and community supervision
16 or a local correctional facility as defined in subdivision sixteen of
17 section two of the correction law requests a certificate of birth or
18 certification of birth for the purpose of providing such certificate of
19 birth or certification of birth to an [~~inmate~~] incarcerated individual
20 in anticipation of such [~~inmate's~~] incarcerated individual's release
21 from custody or to obtain a death certificate to be used for administra-
22 tive purposes for an [~~inmate~~] incarcerated individual who has died under
23 custody or when the office of children and family services or an author-
24 ized agency requests a certified copy or certified transcript of birth
25 for a youth placed in the custody of the local commissioner of social
26 services or the custody of the office of children and family services
27 pursuant to article three of the family court act for the purpose of
28 providing such certified copy or certified transcript of birth to such
29 youth in anticipation of discharge from placement.

30 § 57. Section 70 of the general municipal law, as amended by section
31 116 of subpart B of part C of chapter 62 of the laws of 2011, is amended
32 to read as follows:

33 § 70. Payment of judgments against municipal corporation. When a final
34 judgment for a sum of money shall be recovered against a municipal
35 corporation, and the execution thereof shall not be stayed pursuant to
36 law, or the time for such stay shall have expired, the treasurer or
37 other financial officer of such corporation having sufficient moneys in
38 his or her hands belonging to the corporation not otherwise specifically
39 appropriated, shall pay such judgment upon the production of a certified
40 copy of the docket thereof. Notwithstanding the provisions of any other
41 law to the contrary, in any case where payment for any reason is to be
42 made to an [~~inmate~~] incarcerated individual serving a sentence of impri-
43 sonment with the state department of corrections and community super-
44 vision or to a prisoner confined at a local correctional facility, the
45 treasurer or other financial officer shall give written notice, if
46 required pursuant to subdivision two of section six hundred thirty-two-a
47 of the executive law, to the office of victim services that such payment
48 shall be made thirty days after the date of such notice.

49 § 58. Section 87 of the general municipal law, as amended by chapter
50 555 of the laws of 1978, is amended to read as follows:

51 § 87. Support and maintenance of charitable and other institutions.
52 Boards of estimate and apportionment, common councils, boards of alder-
53 men, boards of supervisors, town boards, boards of trustees of villages
54 and all other boards or officers of counties, cities, towns and
55 villages, authorized to appropriate and to raise money by taxation and
56 to make payments therefrom, are hereby authorized, in their discretion,

1 to appropriate and to raise money by taxation and to make payments from
2 said moneys, and from any moneys received from any other source and
3 properly applicable thereto, to charitable, eleemosynary, correctional
4 and reformatory institutions wholly or partly under private control, for
5 the care, support and maintenance of their [~~inmates~~] incarcerated indi-
6 viduals and out-patients, of the moneys which are or may be appropriated
7 therefor; such payments to be made only for such [~~inmates~~] incarcerated
8 individuals as are received and retained therein pursuant to regulations
9 established by the state department of social services or other state
10 department having the power of inspection thereof. In the absence within
11 the state of adequate facilities conveniently accessible, payments for
12 the support, care and maintenance of [~~inmates~~] incarcerated individuals
13 and out-patients may be made to institutions, wholly or partly under
14 private control, of a charitable or eleemosynary character, located
15 without the state, which institutions if located within the state would
16 be subject to the visitation, inspection and supervision of the depart-
17 ment of social services. However, such payments may be made only to
18 institutions conducted in conformity with the regulations of such
19 department.

20 § 59. Subdivision 2 of section 101 of the general municipal law, as
21 added by chapter 861 of the laws of 1953, is amended to read as follows:

22 2. Such specifications shall be drawn so as to permit separate and
23 independent bidding upon each of the above three subdivisions of work.
24 All contracts awarded by any political subdivision or by an officer,
25 board or agency thereof, or of any district therein, for the erection,
26 construction, reconstruction or alteration of buildings, or any part
27 thereof, shall award the three subdivisions of the above specified work
28 separately in the manner provided by section one hundred three of this
29 [~~chapter~~] article. Nothing in this section shall be construed to prevent
30 any political subdivision from performing any such branches of work by
31 or through their regular employees, or in the case of public insti-
32 tutions, by the [~~inmates~~] incarcerated individuals thereof.

33 § 60. Intentionally omitted.

34 § 61. Intentionally omitted.

35 § 62. Paragraph (e) of subdivision 2 of section 148 of the general
36 municipal law, as added by chapter 871 of the laws of 1948, is amended
37 to read as follows:

38 (e) The board of supervisors of the county of which such deceased
39 person was a resident at the time of his or her death is hereby author-
40 ized and directed to audit the account and pay the expenses of such
41 burial and headstone, and a reasonable sum for the services and neces-
42 sary expenses of the person or commission so designated. In case such
43 person shall be at the time of his or her death an [~~inmate~~] incarcerated
44 individual of any state institution, including state hospitals and
45 soldiers' homes, or any institution, supported by the state and
46 supported by public expense therein, the expense of such burial and
47 headstone shall be a charge upon the county of his or her legal resi-
48 dence.

49 § 63. Section 207-n of the general municipal law, as added by chapter
50 622 of the laws of 1997, is amended to read as follows:

51 § 207-n. Performance of duty disability retirement. Notwithstanding
52 the provisions of any general, special or local law or administrative
53 code to the contrary, but except for the purposes of the workers'
54 compensation law and the labor law, a paid member of the uniformed force
55 of a paid correction department, where such paid member is drawn from
56 competitive civil service lists, who successfully passed a physical

1 examination on entry into the service of such department, who contracts
2 HIV (where there may have been exposure to a bodily fluid of an [~~inmate~~
3 incarcerated individual or any person confined in an institution under
4 the jurisdiction of the department of [~~correction~~ corrections and
5 community supervision, or the department of health, or any person who
6 has been committed to such institution by any court as a natural and
7 proximate result of an act of any [~~inmate~~ incarcerated individual or
8 person described above, that may have involved transmission of a speci-
9 fied transmissible disease from an [~~inmate~~ incarcerated individual or
10 person described above to the member), tuberculosis or hepatitis will be
11 presumed to have contracted such disease in the performance or discharge
12 of his or her duties, unless the contrary be proved by competent
13 evidence.

14 § 64. Intentionally omitted.

15 § 65. Paragraph (b) of subdivision 1 of section 671 of the county law,
16 as amended by chapter 491 of the laws of 1987, is amended to read as
17 follows:

18 (b) shall make inquiry into all deaths whether natural or unnatural in
19 his or her county occurring to an [~~inmate~~ incarcerated individual of a
20 correctional facility as defined by subdivision three of section forty
21 of the correction law, whether or not the death occurred inside such
22 facility.

23 § 66. Subdivision 5 of section 674 of the county law, as amended by
24 chapter 490 of the laws of 2015, is amended to read as follows:

25 5. Notwithstanding section six hundred seventy of this article or any
26 other provision of law, the coroner, coroner's physician or medical
27 examiner shall promptly perform or cause to be performed an autopsy and
28 to prepare an autopsy report which shall include a toxicological report
29 and any report of any examination or inquiry with respect to any death
30 occurring within his or her county to an [~~inmate~~ incarcerated individ-
31 ual of a correctional facility as defined by subdivision three of
32 section forty of the correction law, whether or not the death occurred
33 inside such facility.

34 § 67. Subdivision 6 of section 677 of the county law, as amended by
35 chapter 490 of the laws of 2015, is amended to read as follows:

36 6. Notwithstanding section six hundred seventy of this article or any
37 other provision of law, the coroner, coroner's physician or medical
38 examiner shall promptly provide the chairman of the correction medical
39 review board and the commissioner of corrections and community super-
40 vision with copies of any autopsy report, toxicological report or any
41 report of any examination or inquiry prepared with respect to any death
42 occurring to an [~~inmate~~ incarcerated individual of a correctional
43 facility as defined by subdivision three of section forty of the
44 correction law within his or her county; and shall promptly provide the
45 executive director of the justice center for the protection of people
46 with special needs with copies of any autopsy report, toxicology report
47 or any report of any examination or inquiry prepared with respect to the
48 death of any service recipient occurring while he or she was a resident
49 in any facility operated, licensed or certified by any agency within the
50 department of mental hygiene, the office of children and family
51 services, the department of health or the state education department. If
52 the toxicological report is prepared pursuant to any agreement or
53 contract with any person, partnership, corporation or governmental agen-
54 cy with the coroner or medical examiner, such report shall be promptly
55 provided to the chairman of the correction medical review board, the
56 commissioner of corrections and community supervision or the executive

1 director of the justice center for people with special needs, as appropriate, by such person, partnership, corporation or governmental agency.

2 § 68. Intentionally omitted.

3 § 69. Intentionally omitted.

4 § 70. Paragraph b of subdivision 1 of section 272 of the education law, as amended by section 88 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

5 b. The "area served" by a public library system for the purposes of
6 this article shall mean the area which the public library system
7 proposes to serve in its approved plan of service. In determining the
8 population of the area served by the public library system the population shall be deemed to be that shown by the latest federal census for
9 the political subdivisions in the area served. Such population shall be
10 certified in the same manner as provided by section fifty-four of the
11 state finance law except that such population shall include the reservation and school Indian population and [~~inmates~~] incarcerated individuals
12 of state institutions under the direction, supervision or control of the
13 state department of corrections and community supervision, the state
14 department of mental hygiene and the state department of social welfare.
15 In the event that any of the political subdivisions receiving library
16 service are included within a larger political subdivision which is a
17 part of the public library system the population used for the purposes
18 of computing state aid shall be the population of the larger political
19 subdivision, provided however, that where any political subdivision
20 within a larger political subdivision shall have taken an interim census
21 since the last census taken of the larger political subdivision, the
22 population of the larger political subdivision may be adjusted to
23 reflect such interim census and, as so adjusted, may be used until the
24 next census of such larger political subdivision. In the event that the
25 area served is not coterminous with a political subdivision, the population of which is shown on such census, or the area in square miles of
26 which is available from official sources, such population and area shall
27 be determined, for the purpose of computation of state aid pursuant to
28 section two hundred seventy-three of this part by applying to the population and area in square miles of such political subdivision, the ratio
29 which exists between the assessed valuation of the portion of such political subdivision included within the area served and the total assessed
30 valuation of such political subdivision.

31 § 71. Section 285 of the education law, as amended by section 6 of part O of chapter 57 of the laws of 2005, is amended to read as follows:

32 § 285. State aid for cooperation with correctional facilities. 1. Each
33 public library system operating under an approved plan of service which
34 has a state correctional facility or facilities within its area of
35 service shall be awarded an annual grant of nine dollars twenty-five
36 cents per capita for the [~~inmate~~] incarcerated individual population of
37 such facility or facilities to make available to the [~~inmate~~] incarcerated individual
38 population of such facility or facilities, in direct
39 coordination with the correctional facilities libraries, the library
40 resources of such system. The commissioner shall adopt any regulations
41 necessary to carry out the purposes and provisions of this subdivision.

42 2. The commissioner is authorized to expend up to one hundred seventy-five thousand dollars annually to provide grants to public library
43 systems operating under an approved plan of service for provision of
44 services to county jail facilities. Such formula grants shall assist the
45 library system in making available to the [~~inmate~~] incarcerated individual
46 population of such facility or facilities the library resources of
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1 such system. Such grants shall be available to each public library
2 system in such manner as to insure that the ratio of the amount each
3 system is eligible to receive equals the ratio of the number of
4 [~~inmates~~] incarcerated individuals served by the county jail facility to
5 the total number of [~~inmates~~] incarcerated individuals served by county
6 jail facilities in the state as of July first of the year preceding the
7 calendar year in which the state aid to public library systems is to be
8 paid. [~~Inmate~~] Incarcerated individual populations shall be certified by
9 the New York state commission of correction. The commissioner shall
10 adopt any regulations necessary to carry out the purposes and provisions
11 of this subdivision.

12 § 72. Subdivision 3 of section 2016 of the education law, as amended
13 by chapter 801 of the laws of 1953, is amended to read as follows:

14 3. An affidavit by any officer or employee of the board of education
15 or any police officer, sheriff or deputy sheriff that he or she visited
16 the premises claimed by the applicant as his or her residence, and that
17 he or she interrogated an [~~inmate~~] incarcerated individual, housedwel-
18 ler, keeper or caretaker, owner, proprietor, or landlord thereof or
19 therein, as to the applicant's residence therein or thereat, and that he
20 or she was informed by one or more of such persons, naming them, that
21 they knew the persons residing upon such premises and that the applicant
22 did not reside upon such premises thirty days before the meeting or
23 election shall be presumptive evidence against the right of the voter to
24 register from such premises.

25 § 73. Subdivision (h) of section 19.07 of the mental hygiene law, as
26 amended by section 118-f of subpart B of part C of chapter 62 of the
27 laws of 2011, is amended to read as follows:

28 (h) The office of alcoholism and substance abuse services shall moni-
29 tor programs providing care and treatment to [~~inmates~~] incarcerated
30 individuals in correctional facilities operated by the department of
31 corrections and community supervision who have a history of alcohol or
32 substance abuse or dependence. The office shall also develop guidelines
33 for the operation of alcohol and substance abuse treatment programs in
34 such correctional facilities in order to ensure that such programs
35 sufficiently meet the needs of [~~inmates~~] incarcerated individuals with a
36 history of alcohol or substance abuse or dependence and promote the
37 successful transition to treatment in the community upon release. No
38 later than the first day of December of each year, the office shall
39 submit a report regarding the adequacy and effectiveness of alcohol and
40 substance abuse treatment programs operated by the department of
41 corrections and community supervision to the governor, the temporary
42 president of the senate, the speaker of the assembly, the chairman of
43 the senate committee on crime victims, crime and correction, and the
44 chairman of the assembly committee on correction.

45 § 74. Section 29.27 of the mental hygiene law, as added by chapter 766
46 of the laws of 1976, subdivision (c) as amended by chapter 789 of the
47 laws of 1985, subdivisions (e), (f), (g), (i) and (j) as amended by
48 section 118-h of subpart B of part C of chapter 62 of the laws of 2011,
49 is amended to read as follows:

50 § 29.27 [~~Inmate~~] Incarcerated individual-patients placed in the custody
51 of the department.

52 (a) As used in this section, the term "[~~inmate~~] incarcerated individ-
53 ual-patient" means a person committed pursuant to the provisions of
54 article sixteen of the correction law to the custody of the department
55 of mental hygiene for care and treatment.

1 (b) The commissioner shall provide a facility or facilities in which
2 [~~inmate~~] incarcerated individual-patients may be retained for care and
3 treatment.

4 (c) An [~~inmate~~] incarcerated individual-patient may be retained for
5 care and treatment in the facility designated by the commissioner for
6 the period stated in the order committing the [~~inmate~~] incarcerated
7 individual-patient to the custody of the department unless sooner trans-
8 ferred or discharged in accordance with law. If the [~~inmate~~] incarcerat-
9 ed individual-patient requires inpatient care and treatment for mental
10 illness beyond such authorized period, the director of the facility
11 where he or she is kept in custody shall apply for an order of retention
12 or subsequent orders of retention in accordance with the procedures set
13 forth in article nine of this chapter for the retention of patients. The
14 provisions of this chapter applying to the rights of patients with
15 respect to notices, hearings, judicial review, writ of habeas corpus,
16 and the services of the mental hygiene legal service shall apply to
17 [~~inmate~~] incarcerated individual-patients except that in no case shall
18 an [~~inmate~~] incarcerated individual-patient be discharged or released
19 from custody prior to the time that such [~~inmate~~] incarcerated individ-
20 ual-patient has completed his or her term of imprisonment or that his or
21 her release from custodial confinement in the correctional facility or
22 jail from which he or she was delivered to the department has been duly
23 authorized.

24 (d) During the period of his or her custody in the department of
25 mental hygiene pursuant to this section, an [~~inmate~~] incarcerated indi-
26 vidual-patient shall be entitled to the rights to care and treatment set
27 forth in section 15.03 of this chapter and to such other rights granted
28 to patients by this chapter, as determined by regulation of the commis-
29 sioner, which are not inconsistent with his or her status as a person
30 legally subject to confinement in a correctional facility or jail or
31 with the mandate of secure custody of such [~~inmate~~] incarcerated indi-
32 vidual-patient.

33 (e) When the director of the facility in which the [~~inmate~~] incarcer-
34 ated individual-patient is in custody finds that the [~~inmate~~] incarcer-
35 ated individual-patient is no longer mentally ill or no longer requires
36 hospitalization for care and treatment, he or she shall so notify the
37 [~~inmate~~] incarcerated individual-patient and commissioner of corrections
38 and community supervision or, in the case of an [~~inmate~~] incarcerated
39 individual-patient coming from a jail or correctional institution oper-
40 ated by local government, the officer in charge of the jail or correc-
41 tional institution from which the [~~inmate~~] incarcerated
42 individual-patient was committed. The commissioner of corrections and
43 community supervision or such officer, as the case may be, shall imme-
44 diately arrange to take such [~~inmate~~] incarcerated individual-patient
45 into custody and return him or her to a correctional facility or to the
46 jail or correctional institution operated by local government.

47 (f) Upon delivery of the [~~inmate~~] incarcerated individual-patient to
48 the representative of the commissioner of corrections and community
49 supervision or of an officer in charge of a jail or correctional insti-
50 tution operated by local government, the responsibility of the depart-
51 ment and its facilities for the custody of the [~~inmate~~] incarcerated
52 individual-patient shall terminate. Where the [~~inmate~~] incarcerated
53 individual is returned to a state correctional facility, the department
54 shall continue to be responsible for the [~~inmate~~] incarcerated individ-
55 ual-patient's psychiatric care if the [~~inmate~~] incarcerated

1 individual-patient upon his or her return is in a program established
2 pursuant to section four hundred one of the correction law.

3 (g) If an [~~inmate~~] incarcerated individual-patient in the custody of
4 the department escapes from custody, immediate notice shall be given to
5 the commissioner of corrections and community supervision or, in the
6 case of an [~~inmate~~] incarcerated individual-patient coming from a jail
7 or correctional institution operated by local government, to the officer
8 in charge of such jail or correctional institution. Notice shall also be
9 given to appropriate law enforcement authorities.

10 (h) The cost of care and treatment of an [~~inmate~~] incarcerated indi-
11 vidual-patient in a department facility shall be a charge upon the
12 department if the [~~inmate~~] incarcerated individual-patient was committed
13 from a state correctional facility or upon the local government from
14 which the [~~inmate~~] incarcerated individual-patient was committed.

15 (i) Upon release of an [~~inmate~~] incarcerated individual-patient from a
16 facility, the director shall forward a copy of all health and psychiat-
17 ric records to the commissioner of corrections and community supervision
18 or to the officer in charge of a jail or correctional institution oper-
19 ated by local government, as the case may be.

20 (j) If the sentence for which an [~~inmate~~] incarcerated
21 individual-patient is confined expires or is vacated or modified by
22 court order, the director shall so notify the commissioner of
23 corrections and community supervision or such officer in charge of a
24 jail or correctional institution operated by local government, as appro-
25 priate.

26 § 75. The section heading and subdivision (a) of section 29.28 of the
27 mental hygiene law, as added by section 5 of subpart C of part C of
28 chapter 97 of the laws of 2011, are amended to read as follows:

29 Payment of costs for prosecution of [~~inmate~~] incarcerated
30 individual-patients.

31 (a) When an [~~inmate~~] incarcerated individual-patient, as defined in
32 subdivision (a) of section 29.27 of this article, who was committed from
33 a state correctional facility, is alleged to have committed an offense
34 while in the custody of the department, the department of corrections
35 and community supervision shall pay all reasonable costs for the prose-
36 cution of such offense, including but not limited to, costs for: a grand
37 jury impaneled to hear and examine evidence of such offense, petit
38 jurors, witnesses, the defense of any [~~inmate~~] incarcerated individual
39 financially unable to obtain counsel in accordance with the provisions
40 of the county law, the district attorney, the costs of the sheriff and
41 the appointment of additional court attendants, officers or other judi-
42 cial personnel.

43 § 76. Subdivision (g) of section 33.08 of the mental hygiene law, as
44 added by chapter 709 of the laws of 1986, is amended to read as follows:

45 (g) For the purposes of this section, a person who has been admitted
46 to central New York psychiatric center from a state correctional facili-
47 ty or county jail pursuant to section four hundred two of the correction
48 law shall not be considered a patient in a hospital operated by the
49 office of mental health. Notwithstanding any other provision of this
50 section, a person who has been admitted to central New York psychiatric
51 center from a county jail pursuant to section four hundred two of the
52 correction law shall be entitled to receive a monthly state payment for
53 personal needs in an amount equal to, and calculated in the same manner
54 as, an incentive allowance which is provided to an [~~inmate~~] incarcerated
55 individual of a state correctional institution pursuant to section two
56 hundred of the correction law.

1 § 77. Paragraph 10 of subdivision (c) of section 33.13 of the mental
2 hygiene law, as amended by section 118-i of subpart B of part C of chap-
3 ter 62 of the laws of 2011, is amended to read as follows:

4 10. to a correctional facility, when the chief administrative officer
5 has requested such information with respect to a named [~~inmate~~] incar-
6 cerated individual of such correctional facility as defined by subdivi-
7 sion three of section forty of the correction law or to the department
8 of corrections and community supervision, when the department has
9 requested such information with respect to a person under its jurisdic-
10 tion or an [~~inmate~~] incarcerated individual of a state correctional
11 facility, when such [~~inmate~~] incarcerated individual is within four
12 weeks of release from such institution to community supervision. Infor-
13 mation released pursuant to this paragraph may be limited to a summary
14 of the record, including but not limited to: the basis for referral to
15 the facility; the diagnosis upon admission and discharge; a diagnosis
16 and description of the patient's or client's current mental condition;
17 the current course of treatment, medication and therapies; and the
18 facility's recommendation for future mental hygiene services, if any.
19 Such information may be forwarded to the department of corrections and
20 community supervision staff in need of such information for the purpose
21 of making a determination regarding an [~~inmate's~~] incarcerated individ-
22 ual's health care, security, safety or ability to participate in
23 programs. In the event an [~~inmate~~] incarcerated individual is trans-
24 ferred, the sending correctional facility shall forward, upon request,
25 such summaries to the chief administrative officer of any correctional
26 facility to which the [~~inmate~~] incarcerated individual is subsequently
27 incarcerated. The office of mental health and the office for people
28 with developmental disabilities, in consultation with the commission of
29 correction and the department of corrections and community supervision,
30 shall promulgate rules and regulations to implement the provisions of
31 this paragraph.

32 § 78. Intentionally omitted.

33 § 79. Subdivisions a and b of section 63-a of the retirement and
34 social security law, subdivision a as amended by section 138 of subpart
35 B of part C of chapter 62 of the laws of 2011 and subdivision b as added
36 by chapter 722 of the laws of 1996, are amended to read as follows:

37 a. Any member in the uniformed personnel in institutions under the
38 jurisdiction of the department of corrections and community supervision
39 or a security hospital treatment assistant, as those terms are defined
40 in subdivision i of section eighty-nine of this article, who becomes
41 physically or mentally incapacitated for the performance of duties as
42 the natural and proximate result of an injury, sustained in the perform-
43 ance or discharge of his or her duties by, or as the natural and proxi-
44 mate result of an act of any [~~inmate~~] incarcerated individual or any
45 person confined in an institution under the jurisdiction of the depart-
46 ment of corrections and community supervision or office of mental
47 health, or by any person who has been committed to such institution by
48 any court shall be paid a performance of duty disability retirement
49 allowance equal to that which is provided in section sixty-three of this
50 title, subject to the provisions of section sixty-four of this title.

51 b. Notwithstanding any provision of this chapter or of any general or
52 special law to the contrary, a member covered by this section who
53 contracts HIV (where there may have been an exposure to a bodily fluid
54 of an [~~inmate~~] incarcerated individual or a person described in subdivi-
55 sion a of this section as a natural and proximate result of an act of
56 any [~~inmate~~] incarcerated individual or person described in [~~such~~]

1 subdivision a that may have involved transmission of a specified tran-
2 smissible disease from an [~~inmate~~] incarcerated individual or such
3 person described in [~~such~~] subdivision a to the retirement system
4 member), tuberculosis or hepatitis will be presumed to have contracted
5 such disease in the performance or discharge of his or her duties, and
6 will be presumed to be disabled from the performance of his or her
7 duties, unless the contrary be proved by competent evidence.

8 § 80. Subdivisions b and c of section 63-b of the retirement and
9 social security law, as added by chapter 639 of the laws of 1999, are
10 amended to read as follows:

11 b. Any sheriff, deputy sheriff, undersheriff, or correction officer as
12 defined in subdivision a of this section, who becomes physically or
13 mentally incapacitated for the performance of duties as the natural and
14 proximate result of an injury, sustained in the performance or discharge
15 of his or her duties by, or as the natural and proximate result of an
16 act of any [~~inmate~~] incarcerated individual or any person confined in an
17 institution under the jurisdiction of such county, shall be paid a
18 performance of duty disability retirement allowance equal to that which
19 is provided in section sixty-three of this title, subject to the
20 provisions of section sixty-four of this title.

21 c. Notwithstanding any provision of this chapter or of any general or
22 special law to the contrary, a member covered by this section who
23 contracts HIV (where there may have been an exposure to a bodily fluid
24 of an [~~inmate~~] incarcerated individual or a person defined in subdivi-
25 sion b of this section as a natural and proximate result of an act of
26 any [~~inmate~~] incarcerated individual or person described in such subdivi-
27 sion b that may have involved transmission of a specified transmissi-
28 ble disease from an [~~inmate~~] incarcerated individual or person described
29 in such subdivision b to the retirement system member), tuberculosis or
30 hepatitis will be presumed to have contracted such disease in the
31 performance or discharge of his or her duties, and will be presumed to
32 be disabled from the performance of his or her duties, unless the
33 contrary be proved by competent evidence.

34 § 81. Subdivision i of section 89 of the retirement and social securi-
35 ty law, as amended by section 139 of subpart B of part C of chapter 62
36 of the laws of 2011, is amended to read as follows:

37 i. As used in this section, "uniformed persons" or "uniformed person-
38 nel" in institutions under the jurisdiction of the department of
39 corrections and community supervision or "security hospital treatment
40 assistants" under the jurisdiction of the office of mental health mean
41 officers or employees holding the titles hereinafter set forth in insti-
42 tutions under the jurisdiction of the department of corrections and
43 community supervision or under the jurisdiction of the office of mental
44 health, namely: correction officers, prison guards, correction
45 sergeants, correction lieutenants, correction captains, deputy assistant
46 superintendent or warden, deputy warden or deputy superintendent, super-
47 intendants and wardens, assistant director and director of correction
48 reception center, director of correctional program, assistant director
49 of correctional program, director of community correctional center,
50 community correctional center assistant, correction hospital officers,
51 male or female, correction hospital senior officers, correction hospital
52 charge officer, correction hospital supervising officer, correction
53 hospital security supervisor, correction hospital chief officer,
54 correction youth camp officer, correction youth camp supervisor, assist-
55 ant supervisor, correctional camp superintendent, assistant correctional
56 camp superintendent, director of crisis intervention unit, assistant

1 director of crisis intervention unit, security hospital treatment
2 assistants, security hospital treatment assistants (Spanish speaking),
3 security hospital senior treatment assistants, security hospital super-
4 vising treatment assistants and security hospital treatment chiefs.
5 Previous service rendered under the titles by which such positions were
6 formerly designated and previous service rendered as a narcotic
7 addiction control commission officer shall constitute creditable
8 service. Notwithstanding any provision of law to the contrary, any
9 employee of the department of corrections and community supervision who
10 became enrolled under this section by reason of employment as a
11 uniformed person in an institution under the jurisdiction of the depart-
12 ment of corrections and community supervision shall be entitled to full
13 retirement credit for, and full allowance shall be made under this
14 section for the service of such employee, not to exceed twelve years,
15 while assigned to the training academy or central office, in the follow-
16 ing titles, namely: correction officer, correction sergeant, correction
17 lieutenant, correction captain, correctional services investigator,
18 senior correctional services employee investigator, correctional
19 services fire and safety coordinator, director of special housing and
20 [~~inmate~~] incarcerated individual disciplinary program, assistant direc-
21 tor of special housing and [~~inmate~~] incarcerated individual disciplinary
22 program, assistant chief of investigations, director of CERT operations,
23 correctional facility operations specialist, director of security staff-
24 ing project, correctional security technical services specialist,
25 assistant commissioner and deputy commissioner.

26 § 82. Subdivisions a and b of section 507-b of the retirement and
27 social security law, subdivision a as amended by section 146 of subpart
28 B of part C of chapter 62 of the laws of 2011 and subdivision b as added
29 by chapter 722 of the laws of 1996, are amended to read as follows:

30 a. Any member in the uniformed personnel in institutions under the
31 jurisdiction of the department of corrections and community supervision
32 or a security hospital treatment assistant, as those terms are defined
33 in subdivision i of section eighty-nine of this chapter, who becomes
34 physically or mentally incapacitated for the performance of duties as
35 the natural and proximate result of an injury, sustained in the perform-
36 ance or discharge of his or her duties by, or as a natural and proximate
37 result of, an act of any [~~inmate~~] incarcerated individual or any person
38 confined in an institution under the jurisdiction of the department of
39 corrections and community supervision or office of mental health, or by
40 any person who has been committed to such institution by any court shall
41 be paid a performance of duty disability retirement allowance equal to
42 that which is provided in section sixty-three of this chapter, subject
43 to the provisions of section sixty-four of this chapter.

44 b. Notwithstanding any provision of this chapter or of any general or
45 special law to the contrary, a member covered by this section who
46 contracts HIV (where there may have been an exposure to a bodily fluid
47 of an [~~inmate~~] incarcerated individual or a person described in subdivi-
48 sion a of this section as a natural and proximate result of an act of
49 any [~~inmate~~] incarcerated individual or person described in such subdivi-
50 sion a that may have involved transmission of a specified transmissi-
51 ble disease from an [~~inmate~~] incarcerated individual or such person
52 described in such subdivision a to the retirement system member), tuber-
53 culosis or hepatitis will be presumed to have contracted such disease in
54 the performance or discharge of his or her duties, and will be presumed
55 to be disabled from the performance of his or her duties, unless the
56 contrary be proved by competent evidence.

1 § 83. Subdivisions a and b of section 507-c of the retirement and
2 social security law, subdivision a as amended by chapter 18 of the laws
3 of 2012 and subdivision b as added by chapter 622 of the laws of 1997,
4 are amended to read as follows:

5 a. Any member in the uniformed personnel in institutions under the
6 jurisdiction of the New York city department of correction, who becomes
7 physically or mentally incapacitated for the performance of duties as
8 the natural and proximate result of an injury, sustained in the perform-
9 ance or discharge of his or her duties by, or as a natural and proximate
10 result of, an act of any [~~inmate~~] incarcerated individual or any person
11 confined in an institution under the jurisdiction of the department of
12 correction or the department of health, or by any person who has been
13 committed to such institution by any court shall be paid a performance
14 of duty disability retirement allowance equal to three-quarters of final
15 average salary, subject to the provisions of section 13-176 of the
16 administrative code of the city of New York, provided, however, that the
17 provisions of this section shall not apply to a member of the uniformed
18 force of the New York city department of correction who is a New York
19 city uniformed correction/sanitation revised plan member.

20 b. Notwithstanding any provision of this chapter or of any general or
21 special law to the contrary, a member covered by this section who
22 contracts HIV (where there may have been an exposure to a bodily fluid
23 of an [~~inmate~~] incarcerated individual or a person described in subdivi-
24 sion a of this section as a natural and proximate result of an act of
25 any [~~inmate~~] incarcerated individual or person described in subdivision
26 a of this section that may have involved transmission of a specified
27 transmissible disease from an [~~inmate~~] incarcerated individual or such
28 person described in such subdivision a to the retirement system member),
29 tuberculosis or hepatitis will be presumed to have contracted such
30 disease in the performance or discharge of his or her duties, and will
31 be presumed to be disabled from the performance of his or her duties,
32 unless the contrary be proved by competent evidence.

33 § 84. Subdivision b of section 607-a of the retirement and social
34 security law, as added by chapter 722 of the laws of 1996, is amended to
35 read as follows:

36 b. Notwithstanding any provision of this chapter or of any general or
37 special law to the contrary, a member covered by this section who
38 contracts HIV (where there may have been an exposure to a bodily fluid
39 of an [~~inmate~~] incarcerated individual or a person described in subdivi-
40 sion a of this section as a natural and proximate result of an act of
41 any [~~inmate~~] incarcerated individual or person described in such subdivi-
42 sion a that may have involved transmission of a specified transmissi-
43 ble disease from an [~~inmate~~] incarcerated individual or such person
44 described in such subdivision a to the retirement system member), tuber-
45 culosis or hepatitis will be presumed to have contracted such disease in
46 the performance or discharge of his or her duties, and will be presumed
47 to be disabled from the performance of his or her duties, unless the
48 contrary be proved by competent evidence.

49 § 85. Subdivisions a and b of section 607-c of the retirement and
50 social security law, as added by chapter 639 of the laws of 1999, are
51 amended to read as follows:

52 a. Any sheriff, deputy sheriff, undersheriff or correction officer as
53 defined in subdivision a of section sixty-three-b of this chapter, and
54 who are employed in a county which makes an election pursuant to subdivi-
55 sion d of such section sixty-three-b, who becomes physically or
56 mentally incapacitated for the performance of duties as the natural and

1 proximate result of an injury, sustained in the performance or discharge
2 of his or her duties by, or as the natural and proximate result of any
3 act of any [~~inmate~~] incarcerated individual or any person confined in an
4 institution under the jurisdiction of such county, shall be paid a
5 performance of duty disability retirement allowance equal to that which
6 is provided in section sixty-three of this chapter, subject to the
7 provisions of section sixty-four of this chapter.

8 b. Notwithstanding any provision of this chapter or of any general or
9 special law to the contrary, a member covered by this section who
10 contracts HIV (where there may have been an exposure to a bodily fluid
11 of an [~~inmate~~] incarcerated individual or a person defined in subdivi-
12 sion a of this section as a natural and proximate result of an act of
13 any [~~inmate~~] incarcerated individual or person described in such subdivi-
14 sion a that may have involved transmission of a specified transmissi-
15 ble disease from an [~~inmate~~] incarcerated individual or person described
16 in such subdivision a to the retirement system member), tuberculosis or
17 hepatitis will be presumed to have contracted such disease in the
18 performance or discharge of his or her duties, and will be presumed to
19 be disabled from the performance of his or her duties, unless the
20 contrary be proved by competent evidence.

21 § 86. Subdivision (b) of section 118 of the social services law, as
22 added by chapter 200 of the laws of 1946, is amended to read as follows:

23 (b) an [~~inmate~~] incarcerated individual of any public institution or
24 any incorporated private institution, or

25 § 87. Subdivisions 1, 2, 5, 6, 7, 8 and 8-a of section 194 of the
26 social services law, subdivision 8 as added by chapter 226 of the laws
27 of 1950 and subdivision 8-a as added by chapter 805 of the laws of 1962,
28 are amended to read as follows:

29 1. be responsible for the management of the home and for the care of
30 its [~~inmates~~] incarcerated individuals,

31 2. have control of the admission and discharge of [~~inmates~~] incarcer-
32 ated individuals of the home,

33 5. classify the [~~inmates~~] incarcerated individuals of the home, and
34 provide the type of care best fitted to their needs and carry out the
35 recommendations of the attending physician in regard to their care,

36 6. establish rules for the administration of the public home and for
37 the conduct and employment of the [~~inmates~~] incarcerated individuals
38 thereof; but such rules shall not be valid unless approved in writing by
39 the department,

40 7. as far as practicable provide suitable employment for any [~~inmate~~]
41 incarcerated individual whom the attending physician pronounces able to
42 work, assigning such inmates to such labor in connection with the farm
43 and garden, or the care and upkeep of the buildings or other suitable
44 tasks in the public home as they may be deemed capable of performing,
45 and providing occupational and other diversions as may be for the best
46 interests of the [~~inmates~~] incarcerated individuals,

47 8. when in their individual judgment and discretion it appears advis-
48 able, for purposes of rehabilitation, to provide incentive compensation
49 to an [~~inmate~~] incarcerated individual, in any amount or amounts total-
50 ling ten dollars or less per month, for work assigned and performed in
51 or about the public home, farm and garden; but the payment of any such
52 reward shall not be deemed, for the purposes of any law, to make the
53 [~~inmate~~] incarcerated individual receiving the same an employee of the
54 public home or of the county or city maintaining such home,

55 8-a. deposit as prescribed in section eighty-seven of this chapter,
56 any and all moneys received by him or her for the use of a particular

1 [~~inmate~~] incarcerated individual or [~~inmates~~] incarcerated individuals
2 of the public home[~~er~~].

3 § 88. Section 194-a of the social services law, as added by chapter
4 384 of the laws of 1961, is amended to read as follows:

5 § 194-a. Additional power of work assignment granted to commissioner
6 of public welfare of Monroe county. When, pursuant to the provisions of
7 subdivision eight of section one hundred ninety-four of this [~~chapter~~]
8 title, the commissioner of public welfare of Monroe county deems it
9 advisable to assign work to an [~~inmate~~] incarcerated individual, such
10 work may be assigned and performed in or about not only the public home,
11 farm and garden but also any other property maintained under his super-
12 vision. The payment of any reward pursuant to such subdivision eight
13 shall not be deemed, for the purposes of any law, to make the [~~inmate~~]
14 incarcerated individual receiving the same an employee of the public
15 home or of the county or city maintaining such home or such other prop-
16 erty maintained under the commissioner's jurisdiction.

17 § 89. Section 195 of the social services law is amended to read as
18 follows:

19 § 195. Medical care. 1. Each [~~inmate~~] incarcerated individual shall be
20 examined by the attending physician or physicians as soon after admis-
21 sion to the public home as practicable.

22 2. A medical record shall be kept for each [~~inmate~~] incarcerated indi-
23 vidual, in which shall be recorded his or her condition on admission,
24 the physician's recommendation of the type of care to be given him or
25 her and any medical attention given to the [~~inmate~~] incarcerated indi-
26 vidual subsequent to the examination on admission.

27 3. The physician shall be responsible for the medical care given
28 [~~inmates~~] incarcerated individuals who are ill, and shall give such
29 orders as he considers necessary for their welfare. He or she shall (a)
30 visit the public home at regular intervals and shall re-examine the
31 [~~inmates~~] incarcerated individuals periodically, as the need of the
32 [~~inmates~~] incarcerated individuals may require,

33 (b) also visit the public home, on call of the superintendent, in case
34 of the illness of any [~~inmate~~] incarcerated individual,

35 (c) make such recommendations to the commissioner of public welfare as
36 to changes, improvements and additional equipment as he may deem neces-
37 sary for the adequate care of the [~~inmates~~] incarcerated individuals of
38 such home.

39 4. Any physician who accepts an appointment as attending physician to
40 the [~~inmates~~] incarcerated individuals of a public home shall be obli-
41 gated to carry out the provisions of this section. The commissioner may
42 dismiss an attending physician who fails to fulfill such duties.

43 § 90. Section 196 of the social services law is amended to read as
44 follows:

45 § 196. Report on needs of [~~inmates~~] incarcerated individuals of public
46 homes. It shall be the duty of the commissioner of public welfare to
47 report to the legislative body as to the needs of the home and to make
48 recommendations of any changes, improvements, additional equipment or
49 other provision which he or she may consider necessary to provide
50 adequate care for the [~~inmates~~] incarcerated individuals.

51 § 91. Section 197 of the social services law is amended to read as
52 follows:

53 § 197. [~~Inmates'~~] Incarcerated individuals' right of appeal. Any
54 [~~inmate~~] incarcerated individual of a public home, who considers himself
55 or herself to have a cause for complaint against any officer or employee

1 of the public home, shall have the right of appeal to the superintendent
2 of the public home, and to the commissioner of public welfare.

3 § 92. Section 198 of the social services law, as amended by chapter 82
4 of the laws of 1941, is amended to read as follows:

5 § 198. Control of [~~inmates~~] incarcerated individuals. If any [~~inmate~~]
6 incarcerated individual shall wilfully disobey the rules of the home in
7 such a way as to be detrimental to the welfare of the other [~~inmates~~]
8 incarcerated individuals, the commissioner may institute a proceeding in
9 a court of competent jurisdiction against such [~~inmate~~] incarcerated
10 individual for disorderly conduct.

11 § 93. Section 199 of the social services law, as amended by chapter
12 195 of the laws of 1973, is amended to read as follows:

13 § 199. Power of commissioner of public welfare to detain certain
14 [~~inmates~~] incarcerated individuals. The commissioner of public welfare
15 shall have power to detain in the public home, pending a vacancy for
16 such person in a state institution, a person over the age of sixteen who
17 has been certified as mentally retarded or epileptic in accordance with
18 the provisions of the mental hygiene law and for whom an application for
19 admission to a state institution has been made. Whenever the commission-
20 er shall so detain an [~~inmate~~] incarcerated individual in the public
21 home he or she shall at once notify the state department of mental
22 hygiene.

23 § 94. Subdivisions 2, 4 and 6 of section 200 of the social services
24 law, are amended to read as follows:

25 2. utilize the labor of such of the [~~inmates~~] incarcerated individuals
26 of the public home as may in the judgment of the attending physician be
27 able to work on the farm,

28 4. sell such surplus produce and proceeds of such farm and labor as
29 may remain after the needs of the [~~inmates~~] incarcerated individuals of
30 the public home have been supplied,

31 6. keep a record of the work of the farm, including the labor of the
32 [~~inmates~~] incarcerated individuals of the public home on the farm and of
33 the produce and proceeds of the farm supplied for the use of the public
34 home, with the estimated value of such produce and proceeds,

35 § 95. Intentionally omitted.

36 § 96. Subdivision 1-a of section 366 of the social services law, as
37 amended by section 21-a of part B of chapter 59 of the laws of 2016, is
38 amended to read as follows:

39 1-a. Notwithstanding any other provision of law, in the event that a
40 person who is an [~~inmate~~] incarcerated individual of a state or local
41 correctional facility, as defined in section two of the correction law,
42 was in receipt of medical assistance pursuant to this title immediately
43 prior to being admitted to such facility, such person shall remain
44 eligible for medical assistance while an [~~inmate~~] incarcerated individ-
45 ual, except that no medical assistance shall be furnished pursuant to
46 this title for any care, services, or supplies provided during such time
47 as the person is an [~~inmate~~] incarcerated individual; provided, however,
48 that nothing herein shall be deemed as preventing the provision of
49 medical assistance for inpatient hospital services furnished to an
50 [~~inmate~~] incarcerated individual at a hospital outside of the premises
51 of such correctional facility or pursuant to other federal authority
52 authorizing the provision of medical assistance to an [~~inmate~~] incarcer-
53 ated individual of a state or local correctional facility during the
54 thirty days prior to release, to the extent that federal financial
55 participation is available for the costs of such services. Upon release
56 from such facility, such person shall continue to be eligible for

1 receipt of medical assistance furnished pursuant to this title until
2 such time as the person is determined to no longer be eligible for
3 receipt of such assistance. To the extent permitted by federal law, the
4 time during which such person is an [~~inmate~~] incarcerated individual
5 shall not be included in any calculation of when the person must recer-
6 tify his or her eligibility for medical assistance in accordance with
7 this article. The state may seek federal authority to provide medical
8 assistance for transitional services including but not limited to
9 medical, prescription, and care coordination services for high needs
10 [~~inmates~~] incarcerated individuals in state and local correctional
11 facilities during the thirty days prior to release.

12 § 97. Intentionally omitted.

13 § 98. Section 480 of the social services law is amended to read as
14 follows:

15 § 480. Labor of children not to be hired out. It shall be unlawful
16 for the trustees or managers of any house of refuge, reformatory or
17 other correctional institution, to contract, hire, or let by the day,
18 week or month, or any longer period, the services or labor of any child
19 or children, now or hereafter committed to or [~~inmates~~] incarcerated
20 individual of such institutions.

21 § 99. Section 69 of the general business law, as amended by section 1
22 of part A of chapter 62 of the laws of 2003, the second undesignated
23 paragraph as amended by section 115 of subpart B of part C of chapter 62
24 of the laws of 2011, is amended to read as follows:

25 § 69. Sale of [~~inmate~~] incarcerated individual made goods. No goods,
26 wares, or merchandise, manufactured, produced or mined wholly or in part
27 by [~~inmates~~] incarcerated individuals, except [~~inmates~~] incarcerated
28 individuals or persons on parole, probation, or release, shall be sold
29 in this state to any person, firm, association or corporation except
30 that nothing in this section shall be construed to forbid the sale of
31 such goods produced in the correctional facilities of this state to the
32 state, the government of the United States or to any state of the United
33 States, or any political subdivision thereof, or for any public institu-
34 tion owned or managed and controlled by the state, or any political
35 subdivision thereof, as provided in section one hundred eighty-four of
36 the correction law, or any public corporation or eleemosynary associ-
37 ation or corporation funded in whole or in part by any federal, state or
38 local funds, or to forbid the sale, subject to the rules and regulations
39 of the head of the department or other like governmental authority
40 having jurisdiction, of any product resulting from occupational therapy
41 within any penal or correctional institution, as provided in section one
42 hundred ninety-seven of the correction law.

43 Nothing in this section shall be construed to forbid the sale of parts
44 and components produced by [~~inmate~~] incarcerated individual labor in
45 correctional industry programs of the government of the United States or
46 any state of the United States, or any political subdivision thereof, to
47 the department of corrections and community supervision's division of
48 correctional industries for use in its manufacturing operations.

49 A violation of the provisions of this section shall constitute a
50 misdemeanor.

51 § 100. Paragraph (b) of subdivision 1 and paragraph (g) of subdivision
52 2 of section 399-ddd of the general business law, as added by chapter
53 371 of the laws of 2012, are amended to read as follows:

54 (b) For purposes of this section, the term [~~inmate~~] incarcerated
55 individual means a person confined in any local correctional facility
56 as defined in subdivision sixteen of section two of the correction law

1 or in any correctional facility as defined in paragraph (a) of subdivi-
2 sion four of section two of the correction law pursuant to such person's
3 conviction of a criminal offense.

4 (g) Knowingly use the labor or time of or employ any [~~inmate~~] incar-
5 cerated individual in this state, or in any other jurisdiction, in any
6 capacity that involves obtaining access to, collecting or processing
7 social security account numbers of other individuals.

8 § 101. Intentionally omitted.

9 § 102. Subdivision 7 of section 60.04 of the penal law, as amended by
10 section 120 of subpart B of part C of chapter 62 of the laws of 2011, is
11 amended to read as follows:

12 7. a. Shock incarceration participation. When the court imposes a
13 sentence of imprisonment which requires a commitment to the department
14 of corrections and community supervision upon a person who stands
15 convicted of a controlled substance or marihuana offense, upon motion of
16 the defendant, the court may issue an order directing that the depart-
17 ment of corrections and community supervision enroll the defendant in
18 the shock incarceration program as defined in article twenty-six-A of
19 the correction law, provided that the defendant is an eligible [~~inmate~~]
20 incarcerated individual, as described in subdivision one of section
21 eight hundred sixty-five of the correction law. Notwithstanding the
22 foregoing provisions of this subdivision, any defendant to be enrolled
23 in such program pursuant to this subdivision shall be governed by the
24 same rules and regulations promulgated by the department of corrections
25 and community supervision, including without limitation those rules and
26 regulations establishing requirements for completion and such rules and
27 regulations governing discipline and removal from the program.

28 b. (i) In the event that an [~~inmate~~] incarcerated individual desig-
29 nated by court order for enrollment in the shock incarceration program
30 requires a degree of medical care or mental health care that cannot be
31 provided at a shock incarceration facility, the department, in writing,
32 shall notify the [~~inmate~~] incarcerated individual, provide a proposal
33 describing a proposed alternative-to-shock-incarceration program, and
34 notify him or her that he or she may object in writing to placement in
35 such alternative-to-shock-incarceration program. If the [~~inmate~~] incar-
36 cerated individual objects in writing to placement in such alternative-
37 to-shock-incarceration program, the department of corrections and commu-
38 nity supervision shall notify the sentencing court, provide such
39 proposal to the court, and arrange for the [~~inmate's~~] incarcerated indi-
40 vidual's prompt appearance before the court. The court shall provide the
41 proposal and notice of a court appearance to the people, the [~~inmate~~]
42 incarcerated individual and the appropriate defense attorney. After
43 considering the proposal and any submissions by the parties, and after a
44 reasonable opportunity for the people, the [~~inmate~~] incarcerated indi-
45 vidual and counsel to be heard, the court may modify its sentencing
46 order accordingly, notwithstanding the provisions of section 430.10 of
47 the criminal procedure law.

48 (ii) An [~~inmate~~] incarcerated individual who successfully completes an
49 alternative-to-shock-incarceration program within the department of
50 corrections and community supervision shall be treated in the same
51 manner as a person who has successfully completed the shock incarcera-
52 tion program, as set forth in subdivision four of section eight hundred
53 sixty-seven of the correction law.

54 § 103. Paragraph (a) of subdivision 5 of section 60.35 of the penal
55 law, as amended by section 1 of part E of chapter 56 of the laws of
56 2004, is amended to read as follows:

1 (a) When a person who is convicted of a crime or violation and
2 sentenced to a term of imprisonment has failed to pay the mandatory
3 surcharge, sex offender registration fee, DNA databank fee, crime victim
4 assistance fee or supplemental sex offender victim fee required by this
5 section, the clerk of the court that rendered the conviction shall noti-
6 fy the superintendent or the municipal official of the facility where
7 the person is confined. The superintendent or the municipal official
8 shall cause any amount owing to be collected from such person during his
9 or her term of imprisonment from moneys to the credit of an [~~inmates~~]
10 incarcerated individuals' fund or such moneys as may be earned by a
11 person in a work release program pursuant to section eight hundred sixty
12 of the correction law. Such moneys attributable to the mandatory
13 surcharge or crime victim assistance fee shall be paid over to the state
14 comptroller to the credit of the criminal justice improvement account
15 established by section ninety-seven-bb of the state finance law and such
16 moneys attributable to the sex offender registration fee or DNA databank
17 fee shall be paid over to the state comptroller to the credit of the
18 general fund, except that any such moneys collected which are
19 surcharges, sex offender registration fees, DNA databank fees, crime
20 victim assistance fees or supplemental sex offender victim fees levied
21 in relation to convictions obtained in a town or village justice court
22 shall be paid within thirty days after the receipt thereof by the super-
23 intendent or municipal official of the facility to the justice of the
24 court in which the conviction was obtained. For the purposes of collect-
25 ing such mandatory surcharge, sex offender registration fee, DNA data-
26 bank fee, crime victim assistance fee, and supplemental sex offender
27 victim fee, the state shall be legally entitled to the money to the
28 credit of an [~~inmates~~] incarcerated individuals' fund or money which is
29 earned by an [~~inmate~~] incarcerated individual in a work release
30 program. For purposes of this subdivision, the term "[~~inmates~~] incar-
31 cerated individuals' fund" shall mean moneys in the possession of an
32 [~~inmate~~] incarcerated individual at the time of his or her admission
33 into such facility, funds earned by him or her as provided for in
34 section one hundred eighty-seven of the correction law and any other
35 funds received by him or her or on his or her behalf and deposited with
36 such superintendent or municipal official.

37 § 103-a. Subdivision 5 of section 60.35 of the penal law, as amended
38 by section 2 of part E of chapter 56 of the laws of 2004, is amended to
39 read as follows:

40 5. When a person who is convicted of a crime or violation and
41 sentenced to a term of imprisonment has failed to pay the mandatory
42 surcharge, sex offender registration fee, DNA databank fee, crime victim
43 assistance fee or supplemental sex offender victim fee required by this
44 section, the clerk of the court that rendered the conviction shall noti-
45 fy the superintendent or the municipal official of the facility where
46 the person is confined. The superintendent or the municipal official
47 shall cause any amount owing to be collected from such person during his
48 or her term of imprisonment from moneys to the credit of an [~~inmates~~]
49 incarcerated individuals' fund or such moneys as may be earned by a
50 person in a work release program pursuant to section eight hundred sixty
51 of the correction law. Such moneys attributable to the mandatory
52 surcharge or crime victim assistance fee shall be paid over to the state
53 comptroller to the credit of the criminal justice improvement account
54 established by section ninety-seven-bb of the state finance law and such
55 moneys attributable to the sex offender registration fee or DNA databank
56 fee shall be paid over to the state comptroller to the credit of the

1 general fund, except that any such moneys collected which are
2 surcharges, sex offender registration fees, DNA databank fees, crime
3 victim assistance fees or supplemental sex offender victim fees levied
4 in relation to convictions obtained in a town or village justice court
5 shall be paid within thirty days after the receipt thereof by the super-
6 intendent or municipal official of the facility to the justice of the
7 court in which the conviction was obtained. For the purposes of collect-
8 ing such mandatory surcharge, sex offender registration fee, DNA data-
9 bank fee, crime victim assistance fee and supplemental sex offender
10 victim fee, the state shall be legally entitled to the money to the
11 credit of an [~~inmates~~] incarcerated individuals' fund or money which is
12 earned by an [~~inmate~~] incarcerated individual in a work release program.
13 For purposes of this subdivision, the term "~~inmates~~] incarcerated
14 individuals' fund" shall mean moneys in the possession of an [~~inmate~~]
15 incarcerated individual at the time of his or her admission into such
16 facility, funds earned by him or her as provided for in section one
17 hundred eighty-seven of the correction law and any other funds received
18 by him or her or on his or her behalf and deposited with such super-
19 intendent or municipal official.

20 § 104. Paragraph (d) of subdivision 1 of section 70.20 of the penal
21 law, as amended by section 124 of subpart B of part C of chapter 62 of
22 the laws of 2011, is amended to read as follows:

23 (d) Nothing in this subdivision shall preclude a parent or legal guar-
24 dian of an [~~inmate~~] incarcerated individual who is not yet eighteen
25 years of age from making a motion on notice to the department of
26 corrections and community supervision pursuant to article twenty-two of
27 the civil practice law and rules and section one hundred forty of the
28 correction law, objecting to routine medical, dental or mental health
29 services and treatment being provided to such [~~inmate~~] incarcerated
30 individual under the provisions of paragraph (b) of this subdivision.

31 § 104-a. Paragraph (d) of subdivision 1 of section 70.20 of the penal
32 law, as amended by section 125 of subpart B of part C of chapter 62 of
33 the laws of 2011, is amended to read as follows:

34 (d) Nothing in this subdivision shall preclude a parent or legal guar-
35 dian of an [~~inmate~~] incarcerated individual who is not yet eighteen
36 years of age from making a motion on notice to the department of
37 corrections and community supervision pursuant to article twenty-two of
38 the civil practice law and rules and section one hundred forty of the
39 correction law, objecting to routine medical, dental or mental health
40 services and treatment being provided to such [~~inmate~~] incarcerated
41 individual under the provisions of paragraph (b) of this subdivision.

42 § 105. Paragraphs (e) and (f) of subdivision 3 of section 130.05 of
43 the penal law, paragraph (e) as amended by chapter 205 of the laws of
44 2011 and paragraph (f) as amended by section 127-q of subpart B of part
45 C of chapter 62 of the laws of 2011, are amended to read as follows:

46 (e) committed to the care and custody or supervision of the state
47 department of corrections and community supervision or a hospital, as
48 such term is defined in subdivision two of section four hundred of the
49 correction law, and the actor is an employee who knows or reasonably
50 should know that such person is committed to the care and custody or
51 supervision of such department or hospital. For purposes of this para-
52 graph, "employee" means (i) an employee of the state department of
53 corrections and community supervision who, as part of his or her employ-
54 ment, performs duties: (A) in a state correctional facility in which the
55 victim is confined at the time of the offense consisting of providing
56 custody, medical or mental health services, counseling services, educa-

1 tional programs, vocational training, institutional parole services or
2 direct supervision to [~~inmates~~] incarcerated individuals; or

3 (B) of supervising persons released on community supervision and
4 supervises the victim at the time of the offense or has supervised the
5 victim and the victim is still under community supervision at the time
6 of the offense; or

7 (ii) an employee of the office of mental health who, as part of his or
8 her employment, performs duties in a state correctional facility or
9 hospital, as such term is defined in subdivision two of section four
10 hundred of the correction law in which the [~~inmate~~] incarcerated indi-
11 vidual is confined at the time of the offense, consisting of providing
12 custody, medical or mental health services, or direct supervision to
13 such [~~inmates~~] incarcerated individuals; or

14 (iii) a person, including a volunteer, providing direct services to
15 [~~inmates~~] incarcerated individuals in a state correctional facility in
16 which the victim is confined at the time of the offense pursuant to a
17 contractual arrangement with the state department of corrections and
18 community supervision or, in the case of a volunteer, a written agree-
19 ment with such department, provided that the person received written
20 notice concerning the provisions of this paragraph; or

21 (f) committed to the care and custody of a local correctional facili-
22 ty, as such term is defined in subdivision two of section forty of the
23 correction law, and the actor is an employee, not married to such
24 person, who knows or reasonably should know that such person is commit-
25 ted to the care and custody of such facility. For purposes of this para-
26 graph, "employee" means an employee of the local correctional facility
27 where the person is committed who performs professional duties consist-
28 ing of providing custody, medical or mental health services, counseling
29 services, educational services, or vocational training for [~~inmates~~]
30 incarcerated individuals. For purposes of this paragraph, "employee"
31 shall also mean a person, including a volunteer or a government employee
32 of the state department of corrections and community supervision or a
33 local health, education or probation agency, providing direct services
34 to [~~inmates~~] incarcerated individuals in the local correctional facility
35 in which the victim is confined at the time of the offense pursuant to a
36 contractual arrangement with the local correctional department or, in
37 the case of such a volunteer or government employee, a written agreement
38 with such department, provided that such person received written notice
39 concerning the provisions of this paragraph; or

40 § 106. Section 240.32 of the penal law, as amended by section 127-p of
41 the subpart B of part C of chapter 62 of the laws of 2011, the opening
42 paragraph as amended by chapter 180 of the laws of 2013, is amended to
43 read as follows:

44 § 240.32 Aggravated harassment of an employee by an [~~inmate~~] incarcerat-
45 ed individual.

46 An [~~inmate~~] incarcerated individual or respondent is guilty of aggra-
47 vated harassment of an employee by an [~~inmate~~] incarcerated individual
48 when, with intent to harass, annoy, threaten or alarm a person in a
49 facility whom he or she knows or reasonably should know to be an employ-
50 ee of such facility or the board of parole or the office of mental
51 health, or a probation department, bureau or unit or a police officer,
52 he or she causes or attempts to cause such employee to come into contact
53 with blood, seminal fluid, urine, feces, or the contents of a toilet
54 bowl, by throwing, tossing or expelling such fluid or material.

55 For purposes of this section, [~~"inmate"~~] "incarcerated individual"
56 means an [~~inmate~~] incarcerated individual or detainee in a correctional

1 facility, local correctional facility or a hospital, as such term is
2 defined in subdivision two of section four hundred of the correction
3 law. For purposes of this section, "respondent" means a juvenile in a
4 secure facility operated and maintained by the office of children and
5 family services who is placed with or committed to the office of chil-
6 dren and family services. For purposes of this section, "facility" means
7 a correctional facility or local correctional facility, hospital, as
8 such term is defined in subdivision two of section four hundred of the
9 correction law, or a secure facility operated and maintained by the
10 office of children and family services.

11 Aggravated harassment of an employee by an [~~inmate~~] incarcerated indi-
12 vidual is a class E felony.

13 § 107. Subdivisions 8, 17, 18, 19, 21, 23, 24, 26, 27, 28, 29 and 30
14 of section 2 of the correction law, subdivision 8 as amended by chapter
15 567 of the laws of 1972, subdivision 17 as added by chapter 338 of the
16 laws of 1989, subdivision 18 as amended by section 1-a of subpart A of
17 part C of chapter 62 of the laws of 2011, subdivision 19 as amended by
18 chapter 63 of the laws of 1994, subdivisions 21, 23, 24, 26, 27, 28, 29
19 and 30 as added by chapter 1 of the laws of 2008, are amended to read as
20 follows:

21 8. "Correctional Camp". A correctional facility consisting of a camp
22 maintained for the purpose of including conservation work in the program
23 of [~~inmates~~] incarcerated individuals.

24 17. "Alcohol and substance abuse treatment facility." A correctional
25 facility designed to house medium security [~~inmates~~] incarcerated indi-
26 viduals as defined by department rules and regulations and operated for
27 the purpose of providing intensive alcohol and substance abuse treatment
28 services. Such services shall ensure comprehensive treatment for alco-
29 holism and substance abuse to [~~inmates~~] incarcerated individuals who
30 have been identified by the commissioner or his or her designee as
31 having had or presently having a history of alcoholism or substance
32 abuse. Such services shall be provided in the facility in accordance
33 with minimum standards promulgated by the department after consultation
34 with the [~~division~~] office of alcoholism and [~~alcohol abuse and the~~
35 ~~division of~~] substance abuse services.

36 18. "Alcohol and substance abuse treatment correctional annex." A
37 medium security correctional facility consisting of one or more residen-
38 tial dormitories, which provide intensive alcohol and substance abuse
39 treatment services to [~~inmates~~] incarcerated individuals who: (i) are
40 otherwise eligible for temporary release, or (ii) stand convicted of a
41 felony defined in article two hundred twenty or two hundred twenty-one
42 of the penal law, and are within six months of being an eligible
43 [~~inmate~~] incarcerated individual as that term is defined in subdivision
44 two of section eight hundred fifty-one of this chapter including such
45 [~~inmates~~] incarcerated individuals who are participating in such program
46 pursuant to subdivision six of section 60.04 of the penal law. Notwith-
47 standing the foregoing provisions of this subdivision, any [~~inmate~~]
48 incarcerated individual to be enrolled in this program pursuant to
49 subdivision six of section 60.04 of the penal law shall be governed by
50 the same rules and regulations promulgated by the department, including
51 without limitation those rules and regulations establishing requirements
52 for completion and those rules and regulations governing discipline and
53 removal from the program. No such period of court ordered corrections
54 based drug abuse treatment pursuant to this subdivision shall be
55 required to extend beyond the defendant's conditional release date. Such
56 treatment services may be provided by one or more outside service

1 providers pursuant to contractual agreements with the department,
2 provided, however, that any such provider shall be required to continue
3 to provide, either directly or through formal or informal agreement with
4 other providers, alcohol and substance abuse treatment services to
5 [~~inmates~~] incarcerated individuals who have successfully participated in
6 such provider's incarcerative treatment services and who have been
7 presumptively released, paroled, conditionally released or released to
8 post release supervision under the supervision of the department and who
9 are, as a condition of such release, required to participate in alcohol
10 or substance abuse treatment. Such incarcerative services shall be
11 provided in the facility in accordance with minimum standards promulgat-
12 ed by the department after consultation with the office of alcoholism
13 and substance abuse services. Such services to parolees shall be
14 provided in accordance with standards promulgated by the department
15 after consultation with the office of alcoholism and substance abuse
16 services. Notwithstanding any other provision of law, any person who has
17 successfully completed no less than six months of intensive alcohol and
18 substance abuse treatment services in one of the department's eight
19 designated alcohol and substance abuse treatment correctional annexes
20 having a combined total capacity of two thousand five hundred fifty beds
21 may be transferred to a program operated by or at a residential treat-
22 ment facility, provided however, that a person under a determinate
23 sentence as a second felony drug offender for a class B felony offense
24 defined in article two hundred twenty of the penal law, who was
25 sentenced pursuant to section 70.70 of such law, shall not be eligible
26 to be transferred to a program operated at a residential treatment
27 facility until the time served under imprisonment for his or her deter-
28 minate sentence, including any jail time credited pursuant to subdivi-
29 sion three of section 70.30 of the penal law, shall be at least nine
30 months. The commissioner shall report annually to the temporary presi-
31 dent of the senate and the speaker of the assembly commencing January
32 first, two thousand twelve the number of [~~inmates~~] incarcerated individ-
33 uals received by the department during the reporting period who are
34 subject to a sentence which includes enrollment in substance abuse
35 treatment in accordance with subdivision six of section 60.04 of the
36 penal law, the number of such [~~inmates~~] incarcerated individuals who are
37 not placed in such treatment program and the reasons for such occur-
38 rences.

39 19. "Vocational and skills training facility" means a correctional
40 facility designated by the commissioner to provide a vocational and
41 skills training program ("VAST") to [~~inmates~~] incarcerated individuals
42 who need such service before they participate in a work release program.
43 The VAST facility shall provide intensive assessment, counseling, job
44 search assistance and where appropriate academic and vocational instruc-
45 tion to program participants. Such assistance may include an assessment
46 of any [~~inmate's~~] incarcerated individual's education attainment level
47 and skills aptitudes; career counseling and exploration; the development
48 of a comprehensive instructional plan including identification of educa-
49 tional and training needs that may extend beyond the date of entry into
50 work release; instructional programs including GED preparation or post-
51 secondary instruction as appropriate; occupational skills training; life
52 skills training; employment readiness including workplace behavior; and
53 job search assistance. The department and the department of labor shall
54 jointly develop activities providing career counseling, job search
55 assistance, and job placement services for participants. Nothing
56 contained in this section shall be deemed to modify the eligibility

1 requirements provided by law applicable to [~~inmates~~] incarcerated indi-
2 viduals participating in a work release program.

3 21. "Residential mental health treatment unit" means housing for
4 [~~inmates~~] incarcerated individuals with serious mental illness that is
5 operated jointly by the department and the office of mental health and
6 is therapeutic in nature. Such units shall not be operated as discipli-
7 nary housing units, and decisions about treatment and conditions of
8 confinement shall be made based upon a clinical assessment of the thera-
9 peutic needs of the [~~inmate~~] incarcerated individual and maintenance of
10 adequate safety and security on the unit. Such units shall include, but
11 not be limited to, the residential mental health unit model, the behav-
12 ioral health unit model, the intermediate care program and the intensive
13 intermediate care program. The models shall be defined in regulations
14 promulgated by the department in consultation with the commissioner of
15 mental health consistent with this subdivision and section four hundred
16 one of this chapter. [~~Inmates~~] Incarcerated individuals placed in a
17 residential mental health treatment unit shall be offered at least four
18 hours a day of structured out-of-cell therapeutic programming and/or
19 mental health treatment, except on weekends or holidays, in addition to
20 exercise, and may be provided with additional out-of-cell activities as
21 are consistent with their mental health needs; provided, however, that
22 the department may maintain no more than thirty-eight behavioral health
23 unit beds in which the number of hours of out-of-cell structured thera-
24 peutic programming and/or mental health treatment offered to [~~inmates~~]
25 incarcerated individuals on a daily basis, except on weekends or holi-
26 days, may be limited to only two hours. Out-of-cell therapeutic program-
27 ming and/or mental health treatment need not be provided to an [~~inmate~~]
28 incarcerated individual for a brief orientation period following his or
29 her arrival at a residential mental health treatment unit. The length of
30 such orientation period shall be determined by a mental health clinician
31 but in no event shall be longer than five business days.

32 23. "Segregated confinement" means the disciplinary confinement of an
33 [~~inmate~~] incarcerated individual in a special housing unit or in a sepa-
34 rate keeplock housing unit. Special housing units and separate keeplock
35 units are housing units that consist of cells grouped so as to provide
36 separation from the general population, and may be used to house
37 [~~inmates~~] incarcerated individuals confined pursuant to the disciplinary
38 procedures described in regulations.

39 24. "Joint case management committee" means a committee composed of
40 staff from the department and the office of mental health. Such a
41 committee shall be established at each level one and level two facility.
42 Each committee shall consist of at least two clinical staff of the
43 office of mental health and two officials of the department. The purpose
44 of such committee shall be to review, monitor and coordinate the behav-
45 ior and treatment plan of any [~~inmate~~] incarcerated individual who is
46 placed in segregated confinement or a residential mental health treat-
47 ment unit and who is receiving services from the office of mental
48 health.

49 26. "Treatment team" means a team consisting of an equal number of
50 individuals from the department and the office of mental health who are
51 assigned to a residential mental health treatment unit and who will
52 review and determine each [~~inmate's~~] incarcerated individual's appropri-
53 ateness for movement through the various program phases, when applica-
54 ble. The treatment team shall also review, monitor and coordinate the
55 treatment plans for all [~~inmate~~] incarcerated individual participants.

1 27. "Level one facility" means a correctional facility at which staff
2 from the office of mental health are assigned on a full-time basis and
3 able to provide treatment to [~~inmates~~] incarcerated individuals with a
4 major mental disorder. The array of available specialized services
5 include: residential crisis treatment, residential day treatment, medi-
6 cation monitoring by psychiatric nursing staff, and potential commitment
7 to the central New York Psychiatric Center.

8 28. "Level two facility" means a correctional facility at which staff
9 from the office of mental health are assigned on a full-time basis and
10 able to provide treatment to [~~inmates~~] incarcerated individuals with a
11 major mental disorder, but such disorder is not as acute as that of
12 [~~inmates~~] incarcerated individuals who require placement at a level one
13 facility.

14 29. "Level three facility" means a correctional facility at which
15 staff from the office of mental health are assigned on a part-time basis
16 and able to provide treatment and medication to [~~inmates~~] incarcerated
17 individuals who either have a moderate mental disorder, or who are in
18 remission from a disorder, and who are determined by staff of the office
19 of mental health to be able to function adequately in the facility with
20 such level of staffing.

21 30. "Level four facility" means a correctional facility at which staff
22 from the office of mental health are assigned on a part-time basis and
23 able to provide treatment to [~~inmates~~] incarcerated individuals who may
24 require limited intervention, excluding psychiatric medications.

25 § 107-a. Subdivision 18 of section 2 of the correction law, as amended
26 by section 2 of subpart A of part C of chapter 62 of the laws of 2011,
27 is amended to read as follows:

28 18. "Alcohol and substance abuse treatment correctional annex." A
29 medium security correctional facility consisting of one or more residen-
30 tial dormitories which provide intensive alcohol and substance abuse
31 treatment services to [~~inmates~~] incarcerated individuals who: (i) are
32 otherwise eligible for temporary release, or (ii) stand convicted of a
33 felony defined in article two hundred twenty or two hundred twenty-one
34 of the penal law, and are within six months of being an eligible
35 [~~inmate~~] incarcerated individual as that term is defined in subdivision
36 two of section eight hundred fifty-one of this chapter including such
37 [~~inmates~~] incarcerated individuals who are participating in such program
38 pursuant to subdivision six of section 60.04 of the penal law. Notwith-
39 standing the foregoing provisions of this subdivision, any [~~inmate~~]
40 incarcerated individual to be enrolled in this program pursuant to
41 subdivision six of section 60.04 of the penal law shall be governed by
42 the same rules and regulations promulgated by the department, including
43 without limitation those rules and regulations establishing requirements
44 for completion and those rules and regulations governing discipline and
45 removal from the program. No such period of court ordered corrections
46 based drug abuse treatment pursuant to this subdivision shall be
47 required to extend beyond the defendant's conditional release date. Such
48 treatment services may be provided by one or more outside service
49 providers pursuant to contractual agreements with the department,
50 provided, however, that any such provider shall be required to continue
51 to provide, either directly or through formal or informal agreement with
52 other providers, alcohol and substance abuse treatment services to
53 [~~inmates~~] incarcerated individuals who have successfully participated in
54 such provider's incarcerative treatment services and who have been
55 presumptively released, paroled, conditionally released or released to
56 post release supervision under the supervision of the department and who

1 are, as a condition of such release, required to participate in alcohol
2 or substance abuse treatment. Such incarcerative services shall be
3 provided in the facility in accordance with minimum standards promulgat-
4 ed by the department after consultation with the office of alcoholism
5 and substance abuse services. Such services to parolees shall be
6 provided in accordance with standards promulgated by the department
7 after consultation with the office of alcoholism and substance abuse
8 services. The commissioner shall report annually to the majority leader
9 of the senate and the speaker of the assembly commencing January first,
10 two thousand twelve the number of [~~inmates~~] incarcerated individuals
11 received by the department during the reporting period who are subject
12 to a sentence which includes enrollment in substance abuse treatment in
13 accordance with subdivision six of section 60.04 of the penal law, the
14 number of such [~~inmates~~] incarcerated individuals who are not placed in
15 such treatment program and the reasons for such occurrences.

16 § 108. The section heading of section 9 of the correction law, as
17 added by section 2 of part 00 of chapter 56 of the laws of 2010, is
18 amended to read as follows:

19 Access to [~~inmate~~] information of incarcerated individuals via the
20 internet.

21 § 109. Subdivision 1 of section 10 of the correction law, as added by
22 section 8 of subpart A of part C of chapter 62 of the laws of 2011, is
23 amended to read as follows:

24 1. Employees in the department who perform the duties of supervising
25 [~~inmates~~] incarcerated individuals released on community supervision
26 shall be parole officers.

27 § 110. Section 15-c of the correction law, as added by chapter 647 of
28 the laws of 1966, is amended to read as follows:

29 § 15-c. Acceptance of grants or gifts. The commissioner, with the
30 approval of the governor, may accept as agent of the state any grant,
31 including federal grants, or any gift for any of the purposes of this
32 article. Any moneys so received may be expended by the department to
33 develop and promote programs for the study and treatment of crime and
34 delinquency, education and training of [~~inmates~~] incarcerated individ-
35 uals, staff improvement, research and evaluation, improvement of facili-
36 ties, or any other lawful purpose, subject to the same limitations as to
37 approval of expenditures and audit as are prescribed for state moneys
38 appropriated for the purpose of this article.

39 § 111. Section 16 of the correction law, as amended by chapter 447 of
40 the laws of 2016, is amended to read as follows:

41 § 16. Expense of autopsy; state charge. 1. The reasonable expense of
42 any inquiry, autopsy, examination or report prepared thereon conducted
43 by a coroner, coroner's physician or medical examiner as required by law
44 with respect to any death occurring to an [~~inmate~~] incarcerated individ-
45 ual of an institution operated by the department shall, to the extent
46 not otherwise reimbursed by the state, be a state charge. Reimbursement
47 of such expense shall be made on vouchers submitted annually and certi-
48 fied by the chief fiscal officer of the county or city as the case may
49 be on the audit and warrant of the comptroller.

50 2. The department shall acquire a preliminary or final death certifi-
51 cate for such [~~inmate~~] incarcerated individual from a coroner,
52 coroner's physician or medical examiner and forward such original death
53 certificate to the next of kin.

54 § 112. Subdivision 1 of section 18 of the correction law, as amended
55 by section 10 of subpart A of part C of chapter 62 of the laws of 2011,
56 is amended to read as follows:

1 1. Each correctional facility shall have a superintendent who shall be
2 appointed by the commissioner. Each such superintendent shall be in the
3 non-competitive-confidential class but shall be appointed from employees
4 of the department who have at least three years of experience in correc-
5 tional work in the department and (i) who have a permanent civil service
6 appointment of salary grade twenty-seven or higher or who have a salary
7 equivalent to a salary grade of twenty-seven or higher for correctional
8 facilities with an [~~inmate~~] incarcerated individual population capacity
9 of four hundred or more [~~inmates~~] incarcerated individuals, or (ii) who
10 have a permanent civil service appointment of salary grade twenty-three
11 or higher or who have a salary equivalent to a salary grade of twenty-
12 three or higher for correctional facilities with an [~~inmate~~] incarcerat-
13 ed individual population capacity of fewer than four hundred [~~inmates~~]
14 incarcerated individuals; provided that for correctional facilities of
15 either capacity, the employee shall be appointed superintendent at the
16 hiring rate set forth in section nineteen of this article or such other
17 rate as may be appropriate, subject to the approval of the director of
18 the budget; provided that in no event shall the salary upon appointment
19 exceed the job rate. Such superintendents shall serve at the pleasure of
20 the commissioner and shall have such other qualifications as may be
21 prescribed by the commissioner, based on differences in duties, levels
22 of responsibility, size and character of the correctional facility,
23 knowledge, skills and abilities required, and other factors affecting
24 the position.

25 § 113. Paragraphs a and b of subdivision 1 of section 19 of the
26 correction law, as amended by section 2 of part D of chapter 24 of the
27 laws of 2019, are amended to read as follows:

28 a. The salary schedule for superintendents of a correctional facility
29 with an [~~inmate~~] incarcerated individual population capacity of four
30 hundred or more [~~inmates~~] incarcerated individuals shall be as follows:

31 Effective April first, two thousand sixteen:

32 Hiring Rate	Job Rate
33 \$116,937	\$159,580

34 Effective April first, two thousand seventeen:

35 Hiring Rate	Job Rate
36 \$121,661	\$166,027

37 Effective April first, two thousand eighteen:

38 Hiring Rate	Job Rate
39 \$125,335	\$171,041

40 Effective April first, two thousand nineteen:

41 Hiring Rate	Job Rate
42 \$127,842	\$174,462

43 Effective April first, two thousand twenty:

44 Hiring Rate	Job Rate
45 \$130,399	\$177,951

46 b. The salary schedule for superintendents of correctional facilities
47 with an [~~inmate~~] incarcerated individual population capacity of fewer
48 than four hundred [~~inmates~~] incarcerated individuals shall be as
49 follows:

50 Effective April first, two thousand sixteen:

51 Hiring Rate	Job Rate
52 \$90,935	\$114,914

53 Effective April first, two thousand seventeen:

54 Hiring Rate	Job Rate
55 \$94,609	\$119,557

56 Effective April first, two thousand eighteen:

1	Hiring Rate	Job Rate
2	\$97,466	\$123,168
3	Effective April first, two thousand nineteen:	
4	Hiring Rate	Job Rate
5	\$99,415	\$125,631
6	Effective April first, two thousand twenty:	
7	Hiring Rate	Job Rate
8	\$101,403	\$128,144

9 § 114. Subdivision 2 of section 22 of the correction law, as amended
10 by chapter 829 of the laws of 1975, is amended to read as follows:

11 2. Accepts a present from a contractor or contractor's agent, directly
12 or indirectly, or employs the labor of an [~~inmate~~] incarcerated individ-
13 ual or another person employed in such institution on any work for the
14 private benefit of such commissioner, superintendent, officer or employ-
15 ee, is guilty of a misdemeanor.

16 § 115. Section 23 of the correction law, as amended by section 5 of
17 subpart B of part C of chapter 62 of the laws of 2011, subdivision 1 as
18 amended by chapter 254 of the laws of 2017, is amended to read as
19 follows:

20 § 23. Transfer of [~~inmates~~] incarcerated individuals from one correc-
21 tional facility to another; treatment in outside hospitals. 1. The
22 commissioner shall have the power to transfer [~~inmates~~] incarcerated
23 individuals from one correctional facility to another. Whenever the
24 transfer of [~~inmates~~] incarcerated individuals from one correctional
25 facility to another shall be ordered by the commissioner, the super-
26 intendent of the facility from which the [~~inmates~~] incarcerated individ-
27 uals are transferred shall take immediate steps to make the transfer.
28 The transfer shall be in accordance with rules and regulations promul-
29 gated by the department for the safe delivery of such [~~inmates~~] incar-
30 cerated individuals to the designated facility. Within twenty-four hours
31 of arriving at the facility to which an [~~inmate~~] incarcerated individual
32 is transferred, he or she shall be allowed to make at least one personal
33 phone call, except when to do so would create an unacceptable risk to
34 the safety and security of [~~inmates~~] incarcerated individuals or staff.
35 If security precautions prevent the [~~inmate~~] incarcerated individual
36 from making such call, a staff member designated by the superintendent
37 of the facility shall make a call to a person of the [~~inmate's~~] incar-
38 cerated individual's choice unless the [~~inmate~~] incarcerated individual
39 declines to have such a call made.

40 2. The commissioner, in his or her discretion, may by written order
41 permit [~~inmates~~] incarcerated individuals to receive medical diagnosis
42 and treatment in outside hospitals, upon the recommendation of the
43 superintendent or director that such outside treatment or diagnosis is
44 necessary by reason of inadequate facilities within the institution.
45 Such [~~inmates~~] incarcerated individuals shall remain under the jurisdic-
46 tion and in the custody of the department while in said outside hospital
47 and said superintendent or director shall enforce proper measures in
48 each case to safely maintain such jurisdiction and custody.

49 3. The cost of transporting [~~inmates~~] incarcerated individuals between
50 facilities and to outside hospitals shall be paid from funds appropri-
51 ated to the department for such purpose.

52 § 116. Section 24-a of the correction law, as amended by chapter 481
53 of the laws of 1992, is amended to read as follows:

54 § 24-a. Actions against persons rendering health care services at the
55 request of the department; defense and indemnification. The provisions
56 of section seventeen of the public officers law shall apply to any

1 person holding a license to practice a profession pursuant to article
2 one hundred thirty-one, one hundred thirty-one-B, one hundred thirty-
3 two, one hundred thirty-three, one hundred thirty-six, one hundred thir-
4 ty-seven, one hundred thirty-nine, one hundred forty-one, one hundred
5 forty-three, one hundred fifty-six or one hundred fifty-nine of the
6 education law, who is rendering or has rendered professional services
7 authorized under such license while acting at the request of the depart-
8 ment or a facility of the department in providing health care and treat-
9 ment or professional consultation to [~~inmates~~] incarcerated individuals
10 of state correctional facilities, or to the infant children of [~~inmates~~]
11 incarcerated individuals while such infants are cared for in facility
12 nurseries pursuant to section six hundred eleven of this chapter, with-
13 out regard to whether such health care and treatment or professional
14 consultation is provided within or without a correctional facility.

15 § 117. Section 25 of the correction law, as amended by chapter 476 of
16 the laws of 2018, is amended to read as follows:

17 § 25. Mutual assistance by institutional and local fire fighting
18 facilities. In cooperation with the development and operation of plans
19 for mutual aid in cases of fire and other public emergencies, the warden
20 or superintendent of any state institution in the department, with the
21 approval of the commissioner, may authorize the fire department of the
22 institution to furnish aid to such territory surrounding the institution
23 as may be practical in cases of fire and such emergencies, having due
24 regard to the safety of the [~~inmates~~] incarcerated individuals and prop-
25 erty of the institution and to engage in practice and training programs
26 in connection with the development and operation of such mutual aid
27 plans. Any lawfully organized fire-fighting forces or firefighters from
28 such surrounding territory may enter upon the grounds of the institution
29 to furnish aid in cases of fire and such emergencies.

30 § 118. Section 26 of the correction law, as amended by chapter 487 of
31 the laws of 1994, is amended to read as follows:

32 § 26. Establishment of commissaries or canteens in correctional insti-
33 tutions. The commissioner may authorize the head of any institution in
34 the department to establish a commissary or a canteen in such institu-
35 tion for the use and benefit of [~~inmates~~] incarcerated individuals. The
36 moneys received by the head of the institution as profits from the sales
37 of the commissary or canteen shall be deposited in a special fund to be
38 known as the commissary or canteen fund and such funds shall be used for
39 the general purposes of the institution subject to the provisions of
40 section fifty-three of the state finance law.

41 § 119. Subdivisions 1 and 4 of section 29 of the correction law,
42 subdivision 1 as amended by section 12 of subpart A of part C of chapter
43 62 of the laws of 2011 and subdivision 4 as amended by section 1 of part
44 U of chapter 55 of the laws of 2012, are amended to read as follows:

45 1. The department shall continue to collect, maintain, and analyze
46 statistical and other information and data with respect to persons
47 subject to the jurisdiction of the department, including but not limited
48 to: (a) the number of such persons: placed in the custody of the depart-
49 ment, assigned to a specific department program, accorded community
50 supervision and declared delinquent, recommitted to a state correctional
51 institution upon revocation of community supervision, or discharged upon
52 maximum expiration of sentence; (b) the criminal history of such
53 persons; (c) the social, educational, and vocational circumstances of
54 any such persons; and, (d) the institutional and community supervision
55 programs and the behavior of such persons. Provided, however, in the
56 event any statistical information on the ethnic background of the

1 [~~inmate~~] incarcerated individual population of a correctional facility
2 or facilities is collected by the department, such statistical informa-
3 tion shall contain, but not be limited to, the following ethnic catego-
4 ries: (i) Caucasian; (ii) Asian; (iii) American Indian; (iv)
5 Afro-American/Black; and (v) Spanish speaking/Hispanic which category
6 shall include, but not be limited to, the following subcategories
7 consisting of: (1) Puerto Ricans; (2) Cubans; (3) Dominicans; and (4)
8 other Hispanic nationalities.

9 4. (a) The commissioner shall provide an annual report to the legisla-
10 ture on the staffing of correction officers and correction sergeants in
11 state correctional facilities. Such report shall include, but not be
12 limited to the following factors: the number of security posts on the
13 current plot plan for each facility that have been closed on a daily
14 basis, by correctional facility security classification (minimum, medium
15 and maximum); the number of security positions eliminated by correction-
16 al facility since two thousand compared to the number of [~~inmates~~]
17 incarcerated individuals incarcerated in each such facility; a breakdown
18 by correctional facility security classification (minimum, medium, and
19 maximum) of the staff hours of overtime worked, by year since two thou-
20 sand and the annual aggregate costs related to this overtime. In addi-
21 tion, such report shall be delineated by correctional facility security
22 classification, the annual number of security positions eliminated, the
23 number of closed posts and amount of staff hours of overtime accrued as
24 well as the overall overtime expenditures that resulted. Such report
25 shall be provided to the chairs of the senate finance, assembly ways and
26 means, senate crime and corrections and assembly correction committees,
27 and posted on the department's website, annually by February first.

28 (b) Such report shall also include but not be limited to: the total
29 number of correctional facilities in operation which are maintained by
30 the department, the security level of each facility, the number of beds
31 at each facility as of December thirty-first of the prior year, as clas-
32 sified by the department, and the number of empty beds, if any, by such
33 classification as of such date.

34 § 120. Paragraph 1 of subdivision (a) of section 42 of the correction
35 law, as amended by chapter 139 of the laws of 2014, is amended to read
36 as follows:

37 1. There shall be within the commission a citizen's policy and
38 complaint review council. It shall consist of nine persons to be
39 appointed by the governor, by and with the advice and consent of the
40 senate. One person so appointed shall have served in the armed forces of
41 the United States in any foreign war, conflict or military occupation,
42 who was discharged therefrom under other than dishonorable conditions,
43 or shall be a duly licensed mental health professional who has profes-
44 sional experience or training with regard to post-traumatic stress
45 syndrome. One person so appointed shall be an attorney admitted to prac-
46 tice in this state. One person so appointed shall be a former [~~inmate~~]
47 incarcerated individual of a correctional facility. One person so
48 appointed shall be a former correction officer. One person so appointed
49 shall be a former resident of a division for youth secure center or a
50 health care professional duly licensed to practice in this state. One
51 person so appointed shall be a former employee of the office of children
52 and family services who has directly supervised youth in a secure resi-
53 dential center operated by such office. In addition, the governor shall
54 designate one of the full-time members other than the chairman of the
55 commission as chairman of the council to serve as such at the pleasure
56 of the governor.

1 § 121. Subdivisions 3, 4, 5, 7, 10 and 17 of section 45 of the
2 correction law, subdivision 3 as amended by section 1 of part Q of chap-
3 ter 56 of the laws of 2009, subdivision 4 as amended by section 15 of
4 subpart A of part C of chapter 62 of the laws of 2011, subdivisions 5
5 and 7 as added by chapter 865 of the laws of 1975, subdivision 10 as
6 amended by section 7 of part Q of chapter 56 of the laws of 2009 and
7 subdivision 17 as added by chapter 573 of the laws of 2011, are amended
8 to read as follows:

9 3. Except in circumstances involving health, safety or alleged
10 violations of established standards of the commission, visit, and
11 inspect correctional facilities consistent with a schedule determined by
12 the chairman of the commission, taking into consideration available
13 resources, workload and staffing, and appraise the management of such
14 correctional facilities with specific attention to matters such as safe-
15 ty, security, health of [~~inmates~~] incarcerated individuals, sanitary
16 conditions, rehabilitative programs, disturbance and fire prevention and
17 control preparedness, and adherence to laws and regulations governing
18 the rights of [~~inmates~~] incarcerated individuals.

19 4. Establish procedures to assure effective investigation of griev-
20 ances of, and conditions affecting, [~~inmates~~] incarcerated individuals
21 of local correctional facilities. Such procedures shall include but not
22 be limited to receipt of written complaints, interviews of persons, and
23 on-site monitoring of conditions. In addition, the commission shall
24 establish procedures for the speedy and impartial review of grievances
25 referred to it by the commissioner of the department of corrections and
26 community supervision.

27 5. Ascertain and recommend such system of employing [~~inmates~~] incar-
28 cerated individuals of correctional facilities as may, in the opinion of
29 said commission, be for the best interest of the public and of said
30 [~~inmates~~] incarcerated individuals and not in conflict with the
31 provisions of the constitution or laws of the state relating to the
32 employment of [~~inmates~~] incarcerated individuals.

33 7. Place such members of its staff as it deems appropriate as monitors
34 in any local correctional facility which, in the judgment of the commis-
35 sion, presents an imminent danger to the health, safety or security of
36 the [~~inmates~~] incarcerated individuals or employees of such correctional
37 facility or of the public.

38 10. Approve or reject plans and specifications for the construction or
39 improvement of correctional facilities that directly affect the health
40 of [~~inmates~~] incarcerated individuals and staff, safety, or security.

41 17. Make an annual report to the governor, the chairman of the assem-
42 bly committee on correction and the chairman of the senate committee on
43 crime victims, crime and correction concerning [~~inmates~~] incarcerated
44 individuals confined in local correctional facilities pursuant to an
45 agreement authorized by section five hundred-o of this chapter. Such
46 report shall include but not be limited to the number of counties main-
47 taining such agreements and the number of [~~inmates~~] incarcerated indi-
48 viduals confined pursuant to such agreements.

49 § 122. Subdivisions 1, 2 and 4 of section 46 of the correction law,
50 subdivisions 1 and 2 as amended by chapter 232 of the laws of 2012 and
51 subdivision 4 as added by chapter 865 of the laws of 1975, are amended
52 to read as follows:

53 1. The commission, any member or any employee designated by the
54 commission must be granted access at any and all times to any correc-
55 tional facility or part thereof and to all books, records, [~~inmate~~]
56 medical records of incarcerated individuals and data pertaining to any

1 correctional facility deemed necessary for carrying out the commission's
2 functions, powers and duties. The commission, any member or any employee
3 designated by the chairman may require from the officers or employees of
4 a correctional facility any information deemed necessary for the purpose
5 of carrying out the commission's functions, powers and duties.

6 2. In the exercise of its functions, powers and duties, the commis-
7 sion, any member, and any attorney employed by the commission is author-
8 ized to issue and enforce a subpoena and a subpoena duces tecum, admin-
9 ister oaths and examine persons under oath, in accordance with and
10 pursuant to civil practice law and rules. A person examined under oath
11 pursuant to this subdivision shall have the right to be accompanied by
12 counsel who shall advise the person of their rights subject to reason-
13 able limitations to prevent obstruction of, or interference with, the
14 orderly conduct of the examination. Notwithstanding any other provision
15 of law, a subpoena may be issued and enforced pursuant to this subdivi-
16 sion for the medical records of an [~~inmate~~] incarcerated individual of a
17 correctional facility, regardless of whether such medical records were
18 made during the course of the [~~inmate's~~] incarcerated individual's
19 incarceration.

20 4. In any case where any rule or regulation promulgated by the commis-
21 sion pursuant to subdivision six of section forty-five of this article
22 or the laws relating to the construction, management and affairs of any
23 correctional facility or the care, treatment and discipline of its
24 [~~inmates~~] incarcerated individuals, are being or are about to be
25 violated, the commission shall notify the person in charge or control of
26 the facility of such violation, recommend remedial action, and direct
27 such person to comply with the rule, regulation or law, as the case may
28 be. Upon the failure of such person to comply with the rule, regulation
29 or law the commission may apply to the supreme court for an order
30 directed to such person requiring compliance with such rule, regulation
31 or law. Upon such application the court may issue such order as may be
32 just and a failure to comply with the order of the court shall be a
33 contempt of court and punishable as such.

34 § 123. Section 47 of the correction law, as added by chapter 865 of
35 the laws of 1975, paragraph (e) of subdivision 1 as amended by chapter
36 447 of the laws of 2016 and subdivision 2 as amended by chapter 491 of
37 the laws of 1987, is amended to read as follows:

38 § 47. Functions, powers and duties of the board. 1. The board shall
39 have the following functions, powers and duties:

40 (a) Investigate and review the cause and circumstances surrounding the
41 death of any [~~inmate~~] incarcerated individual of a correctional facili-
42 ty.

43 (b) Visit and inspect any correctional facility wherein an [~~inmate~~]
44 incarcerated individual has died.

45 (c) Cause the body of the deceased to undergo such examinations,
46 including an autopsy, as in the opinion of the board, are necessary to
47 determine the cause of death, irrespective of whether any such examina-
48 tion or autopsy shall have previously been performed.

49 (d) Upon review of the cause of death and circumstances surrounding
50 the death of any [~~inmate~~] incarcerated individual, the board shall
51 submit its report thereon to the commission and, where appropriate, make
52 recommendations to prevent the recurrence of such deaths to the commis-
53 sion and the administrator of the appropriate correctional facility.

54 (e) (i) Investigate and report to the commission on the condition of
55 systems for the delivery of medical care to [~~inmates~~] incarcerated indi-
56 viduals of correctional facilities and where appropriate recommend such

1 changes as it shall deem necessary and proper to improve the quality and
2 availability of such medical care.

3 (ii) The board shall be responsive to inquiries from the next of kin
4 and other person designated as a representative of any [~~inmate~~] incar-
5 cerated individual whose death takes place during custody in a state
6 correctional facility regarding the circumstances surrounding the death
7 of such [~~inmate~~] incarcerated individual. Contact information for the
8 next of kin and designated representative shall be provided by the
9 department to the board from the emergency contact information previous-
10 ly provided by the [~~inmate~~] incarcerated individual to the department.

11 2. Every administrator of a correctional facility shall immediately
12 report to the board the death of an [~~inmate~~] incarcerated individual of
13 any such facility in such manner and form as the board shall prescribe,
14 together with an autopsy report.

15 § 124. The article heading of article 4 of the correction law, as
16 added by chapter 476 of the laws of 1970, is amended to read as follows:

17 ESTABLISHMENT OF CORRECTIONAL FACILITIES, COMMITMENTS TO DEPARTMENT
18 AND CUSTODY OF [~~INMATES~~] INCARCERATED INDIVIDUALS

19 § 125. Subdivision 4 of section 70 of the correction law, as added by
20 chapter 476 of the laws of 1970, is amended to read as follows:

21 4. Two or more correctional facilities may be maintained or estab-
22 lished in the same building or on the same premises so long as the
23 [~~inmates~~] incarcerated individuals of each are at all times kept sepa-
24 rate and apart from each other except that the [~~inmates~~] incarcerated
25 individuals of one may be permitted to have contact with [~~inmates~~]
26 incarcerated individuals of the other in order to perform duties,
27 receive therapeutic treatment, attend religious services and engage in
28 like activities as specifically provided in the rules and regulations of
29 the department.

30 § 126. Subdivisions 1-a and 1-b of section 71 of the correction law,
31 as added by chapter 547 of the laws of 1995, are amended to read as
32 follows:

33 1-a. The commissioner shall ensure that each general confinement
34 facility law library has information on international offender transfers
35 sufficient to inform those persons who are citizens of a treaty nation
36 of the existence of such treaties and of the means by which such persons
37 may initiate a request for return to the person's country of citizenship
38 for service of the sentence imposed. Such law libraries shall also
39 contain the most recent annual Amnesty International Report published by
40 Amnesty International describing the conditions of prisons in each trea-
41 ty nation and, to the extent practicable, other materials describing
42 such prison conditions published by the United Nations, United States
43 Department of State or human rights organizations. In addition, to the
44 extent practicable, such law libraries shall contain information either
45 listing each foreign country's provisions for the reduction of the terms
46 of confinement for penal sentences as well as the availability of
47 [~~inmate~~] incarcerated individual programs or, shall contain a list of
48 officials in the United States Department of Justice or the embassy of
49 the foreign country to whom an [~~inmate~~] incarcerated individual may
50 write for information. To the extent practicable, newly received
51 [~~inmates~~] incarcerated individuals who are identified as foreign
52 nationals of treaty nations shall, as part of the reception process, be
53 advised of the existence of such treaties and the possibility of the
54 initiation of a transfer request.

55 1-b. The commissioner shall promulgate rules and regulations setting
56 forth the procedures by which an [~~inmate~~] incarcerated individual may

1 apply to be considered for transfer to a foreign nation. The commission-
2 er, or his designee, shall retain sole and absolute authority to approve
3 or disapprove an [~~inmate's~~] incarcerated individual's application for
4 transfer. Nothing herein shall be construed to confer upon an [~~inmate~~]
5 incarcerated individual a right to be transferred to a foreign nation.
6 Notwithstanding any other law, rule or regulation to the contrary, no
7 inmate application for transfer shall be processed unless the [~~inmate~~]
8 incarcerated individual has first indicated his willingness and desire
9 in writing, on a form prescribed by the commissioner, to be considered
10 for transfer to the foreign nation. Such form shall also contain a copy
11 of the [~~inmate's~~] incarcerated individual's most recent legal date
12 computation printout indicating the term or aggregate term of the
13 sentence originally imposed and the release dates resulting therefrom.
14 If a request for transfer is approved by the commissioner or his desig-
15 nee, facility staff shall assist in the preparation and submission of
16 all materials and forms necessary to effectuate the person's request for
17 transfer to the United States Department of Justice for purposes of
18 finalization of the transfer process, including verification proceedings
19 before a United States District Court Judge, United States magistrate or
20 other appointed United States official to assure and document the
21 [~~inmate's~~] incarcerated individual's voluntary request for transfer.

22 § 127. Section 71-a of the correction law, as added by section 16-a of
23 subpart A of part C of chapter 62 of the laws of 2011, is amended to
24 read as follows:

25 § 71-a. Transitional accountability plan. Upon admission of an
26 [~~inmate~~] incarcerated individual committed to the custody of the depart-
27 ment under an indeterminate or determinate sentence of imprisonment, the
28 department shall develop a transitional accountability plan. Such plan
29 shall be a comprehensive, dynamic and individualized case management
30 plan based on the programming and treatment needs of the [~~inmate~~] incar-
31 cerated individual. The purpose of such plan shall be to promote the
32 rehabilitation of the [~~inmate~~] incarcerated individual and their
33 successful and productive reentry and reintegration into society upon
34 release. To that end, such plan shall be used to prioritize programming
35 and treatment services for the [~~inmate~~] incarcerated individual during
36 incarceration and any period of community supervision. The commissioner
37 may consult with the office of mental health, the office of alcoholism
38 and substance abuse services, the board of parole, the department of
39 health, and other appropriate agencies in the development of transi-
40 tional case management plans.

41 § 128. Section 72 of the correction law, as added by chapter 476 of
42 the laws of 1970, subdivision 2-a as amended by chapter 256 of the laws
43 of 2010, subdivision 2-b as separately added by chapters 536 and 966 of
44 the laws of 1974, subdivision 4 as amended by chapter 567 of the laws of
45 1972, subdivision 5 as amended by chapter 339 of the laws of 1972,
46 subdivision 7 as added by chapter 261 of the laws of 1987, and subdivi-
47 sions 8 and 9 as renumbered by chapter 261 of the laws of 1987, is
48 amended to read as follows:

49 § 72. Confinement of persons by the department. 1. Except as otherwise
50 provided in this section, all persons committed, transferred, certified
51 to or placed in the care or custody of the department shall be confined
52 in institutions maintained by the department until paroled, condi-
53 tionally released, transferred to the care of another agency or released
54 or discharged in accordance with the law.

55 2. The commissioner, or the superintendent or director of an institu-
56 tion in which an [~~inmate~~] incarcerated individual is confined, may

1 permit an [~~inmate~~] incarcerated individual to be taken, under guard, to
2 any place or for any purpose authorized by law, and the commissioner
3 must provide for delivery of an [~~inmate~~] incarcerated individual, under
4 guard, to any place where his presence is required pursuant to an order
5 of a court that has authority to require his presence.

6 2-a. The commissioner, superintendent, or director of an institution
7 in which an [~~inmate~~] incarcerated individual is confined, may permit an
8 [~~inmate~~] incarcerated individual, wishing to do so, to leave the insti-
9 tution under guard for the purpose of performing volunteer labor or
10 services when in the public interest upon the threat or occurrence of a
11 natural disaster, including but not limited to flood, earthquake, hurri-
12 cane, landslide or fire. An [~~inmate~~] incarcerated individual may also be
13 permitted to leave the institution under guard to voluntarily perform
14 work for a nonprofit organization pursuant to this subdivision. As used
15 in this subdivision, the term "nonprofit organization" means an organ-
16 ization operated exclusively for religious, charitable, or educational
17 purposes, no part of the net earnings of which inures to the benefit of
18 any private shareholder or individual.

19 2-b. The commissioner, or his designee as authorized by the commis-
20 sioner, may permit an [~~inmate~~] incarcerated individual to be taken under
21 guard to any place to participate in an industrial training program.

22 3. The superintendent or director of an institution may permit
23 [~~inmates~~] incarcerated individuals to leave the institution for the
24 purpose of performing maintenance work or farm work, or any other work
25 necessary or appropriate for the upkeep, operations or business of the
26 institution or the department.

27 4. Any [~~inmate~~] incarcerated individual who is confined in a correc-
28 tional facility and who is eligible for parole or who will become eligi-
29 ble for parole within two years or who has one year or less remaining to
30 be served under his or her sentence may be transferred by the commis-
31 sioner to a correctional camp and may be permitted, by the superinten-
32 dent, to leave the camp to engage in conservation or forestry work or
33 for any purpose permitted under subdivisions two, two-a, two-b and three
34 of this section.

35 5. An [~~inmate~~] incarcerated individual may be permitted to leave the
36 institution to participate in a temporary release program in accordance
37 with the provisions of article twenty-six of this chapter.

38 6. An [~~inmate~~] incarcerated individual of a residential treatment
39 facility may be permitted to leave such facility in accordance with the
40 provisions of section seventy-three of this article.

41 7. An [~~inmate~~] incarcerated individual of a shock incarceration
42 correctional facility may be permitted to leave the facility to partic-
43 ipate in programs in accordance with the provisions of article twenty-
44 six-A of this chapter.

45 8. In any case where the decision to permit an [~~inmate~~] incarcerated
46 individual to leave an institution is made by a person other than the
47 commissioner or a deputy commissioner of correction such action and the
48 manner in which it is carried out shall be in strict accordance with the
49 rules and regulations of the department. Such rules and regulations may
50 restrict or limit the authority of the superintendent or director in any
51 manner deemed advisable by the commissioner.

52 9. The provisions of this section shall not be construed in such
53 manner as to be in conflict with any provision of law that specifically
54 provides for circumstances under which [~~inmates~~] incarcerated individ-
55 uals may be permitted to leave institutions.

1 § 128-a. Subdivision 5 of section 72 of the correction law, as added
2 by chapter 476 of the laws of 1970, is amended to read as follows:

3 5. An [~~inmate~~] incarcerated individual of a work release facility may
4 be permitted to leave the facility to participate in a work release
5 program in accordance with the provisions of article twenty-six of this
6 chapter.

7 § 129. Section 72-a of the correction law, as amended by section 7 of
8 subpart B of part C of chapter 62 of the laws of 2011, is amended to
9 read as follows:

10 § 72-a. Community treatment facilities. 1. Transfer of eligible
11 [~~inmate~~] incarcerated individual. Notwithstanding the provisions of
12 section seventy-two of this chapter, any [~~inmate~~] incarcerated individ-
13 ual confined in a correctional facility who is an "eligible [~~inmate~~]
14 incarcerated individual" as defined by subdivision two of section eight
15 hundred fifty-one of this chapter and has been certified by the [~~divi-~~
16 ~~sion-of~~] office of alcoholism and substance abuse services as being in
17 need of substance abuse treatment and rehabilitation may be transferred
18 by the commissioner to a community treatment facility.

19 2. Designation of facilities. A community treatment facility shall be
20 designated by the [~~director~~] commissioner of the [~~division-of~~] office of
21 alcoholism and substance abuse services and the commissioner. Such
22 facility shall be operated by a provider or sponsoring agency that has
23 provided approved residential substance abuse treatment services for at
24 least two years duration.

25 3. Operating standards. The commissioner, after consultation with the
26 [~~director~~] commissioner of the [~~division-of~~] office of alcoholism and
27 substance abuse services, shall promulgate rules and regulations which
28 provide for minimum standards of operation, including but not limited to
29 the following:

30 (a) provision for adequate security and protection of the surrounding
31 community;

32 (b) adequate physical plant standards;

33 (c) provisions for adequate program services, staffing, and record
34 keeping; and

35 (d) provision for the general welfare of the [~~inmates~~] incarcerated
36 individuals.

37 4. Community supervision. The department shall provide for the
38 provision of community supervision services. All [~~inmates~~] incarcerated
39 individuals residing in a community treatment facility shall be assigned
40 to parole officers for supervision. Such parole officers shall be
41 responsible for providing such supervision.

42 5. Reports. The department and the division of substance abuse
43 services shall jointly issue quarterly reports including a description
44 of those facilities that have been designated as community treatment
45 facilities, the number of [~~inmates~~] incarcerated individuals confined in
46 each facility, a description of the programs within each facility, and
47 the number of absconders, if any, as well as the nature and number of
48 re-arrests, if any, during the individual's period of community super-
49 vision. Copies of such reports, as well as copies of any inspection
50 report issued by the department or the commission of correction shall be
51 sent to the director of the budget, the chairman of the senate finance
52 committee, the chairman of the senate crime and correction committee,
53 the chairman of the assembly ways and means committee and the chairman
54 of the assembly committee on codes.

55 6. Reimbursement. (a) The commissioner, in consultation with the
56 [~~director~~] commissioner of the [~~division-of~~] office of alcoholism and

1 substance abuse services, shall enter into an agreement with the [~~divi-~~
2 ~~sion-of~~] office of alcoholism and substance abuse services whereby the
3 [~~division-of~~] office of alcoholism and substance abuse services will
4 contract with community treatment facilities for provision of services
5 pursuant to this section within amounts made available by the depart-
6 ment. Each contract shall provide for frequent visitation, inspection of
7 the facility, and enforcement of the minimum standards and shall author-
8 ize the supervision of [~~inmates~~] incarcerated individuals residing in a
9 community treatment facility by parole officers.

10 (b) The commissioner shall promulgate rules and regulations specifying
11 those costs related to the general operation of community treatment
12 facilities that shall be eligible for reimbursement. Such eligible costs
13 shall not include debt service, whether principal or interest, or costs
14 for which state or federal aid or reimbursement is otherwise available.
15 Such rules and regulations shall be subject to the approval of the
16 director of the budget.

17 (c) The department shall not contract for provision of services to
18 more than fifty [~~inmates~~] incarcerated individuals at any one facility.

19 (d) At least thirty days prior to final approval of any such contract,
20 a copy of the proposed contract shall be sent to the director of the
21 budget, the chairman of the senate finance committee, the chairman of
22 the senate crime and correction committee, the chairman of the assembly
23 ways and means committee, and the chairman of the assembly committee on
24 codes.

25 § 130. Section 72-b of the correction law, as added by section 48 of
26 part B of chapter 58 of the laws of 2004, subdivision 2 as amended by
27 section 17 of subpart A of part C of chapter 62 of the laws of 2011, is
28 amended to read as follows:

29 § 72-b. Discharge of [~~inmates~~] incarcerated individuals to adult care
30 facilities. 1. An [~~inmate~~] incarcerated individual about to be
31 discharged to an adult home, enriched housing program or residence for
32 adults, as defined in section two of the social services law, shall be
33 referred only to such home, program or residence that is consistent with
34 that person's needs and that operates pursuant to section four hundred
35 sixty of the social services law. No [~~inmate~~] incarcerated individual
36 shall be directly referred to any facility that is required to be certi-
37 fied as an adult care facility under the provisions of article seven of
38 the social services law, unless it has been determined that such facili-
39 ty has a valid operating certificate.

40 2. No [~~inmate~~] incarcerated individual about to be paroled, condi-
41 tionally released, transferred, released or discharged shall be referred
42 to any adult home, enriched housing program or residence for adults, as
43 defined in section two of the social services law, where the department
44 of corrections and community supervision has received written notice
45 that the facility has been placed on the "do not refer list" pursuant to
46 subdivision fifteen of section four hundred sixty-d of the social
47 services law.

48 § 131. Section 73 of the correction law, as amended by section 8 of
49 subpart B of part C of chapter 62 of the laws of 2011, is amended to
50 read as follows:

51 § 73. Residential treatment facilities. 1. The commissioner may trans-
52 fer any [~~inmate~~] incarcerated individual of a correctional facility who
53 is eligible for community supervision or who will become eligible for
54 community supervision within six months after the date of transfer or
55 who has one year or less remaining to be served under his or her
56 sentence to a residential treatment facility and such person may be

1 allowed to go outside the facility during reasonable and necessary hours
2 to engage in any activity reasonably related to his or her rehabili-
3 tation and in accordance with the program established for him or her.
4 While outside the facility he or she shall be at all times in the custo-
5 dy of the department and under its supervision.

6 2. The department shall be responsible for securing appropriate educa-
7 tion, on-the-job training and employment for [~~inmates~~] incarcerated
8 individuals transferred to residential treatment facilities. The depart-
9 ment also shall supervise such [~~inmates~~] incarcerated individuals during
10 their participation in activities outside any such facility and at all
11 times while they are outside any such facility.

12 3. Programs directed toward the rehabilitation and total reintegration
13 into the community of persons transferred to a residential treatment
14 facility shall be established. Each [~~inmate~~] incarcerated individual
15 shall be assigned a specific program by the superintendent of the facil-
16 ity and a written memorandum of such program shall be delivered to him
17 or her.

18 4. If at any time the superintendent of a residential treatment facil-
19 ity is of the opinion that any aspect of the program assigned to an
20 individual is inconsistent with the welfare or safety of the community
21 or of the facility or its [~~inmates~~] incarcerated individuals, the super-
22 intendent may suspend such program or any part thereof and restrict the
23 [~~inmate's~~] incarcerated individual's activities in any manner that is
24 necessary and appropriate. Upon taking such action the superintendent
25 shall promptly notify the commissioner and pending decision by the
26 commissioner, the superintendent may keep such [~~inmate~~] incarcerated
27 individual under such security as may be necessary.

28 5. The commissioner may at any time and for any reason transfer an
29 [~~inmate~~] incarcerated individual from a residential treatment facility
30 to another correctional facility.

31 6. Where a person who is an [~~inmate~~] incarcerated individual of a
32 residential treatment facility absconds, or fails to return thereto as
33 specified in the program approved for him or her, he or she may be
34 arrested and returned by an officer or employee of the department or by
35 any peace officer, acting pursuant to his or her special duties, or
36 police officer without a warrant; or a member of the board of parole or
37 an officer designated by such board may issue a warrant for the retaking
38 of such person. A warrant issued pursuant to this subdivision shall have
39 the same force and effect, and shall be executed in the same manner, as
40 a warrant issued for violation of community supervision.

41 7. The provisions of this chapter relating to good behavior allowances
42 and conditional release shall apply to behavior of [~~inmates~~] incarcerat-
43 ed individuals while assigned to a residential treatment facility for
44 behavior on the premises and outside the premises of such facility and
45 good behavior allowances may be granted, withheld, forfeited or
46 cancelled in whole or in part for behavior outside the premises of the
47 facility to the same extent and in the same manner as is provided for
48 [~~inmates~~] incarcerated individuals within the premises of any facility.

49 8. The state board of parole may grant parole to any [~~inmate~~] incar-
50 cerated individual of a residential treatment facility at any time after
51 he or she becomes eligible therefor. Such parole shall be in accordance
52 with provisions of law that would apply if the person were still
53 confined in the facility from which he or she was transferred, except
54 that any personal appearance before the board may be at any place desig-
55 nated by the board.

1 9. The earnings of any [~~inmate~~] incarcerated individual of a residen-
2 tial treatment facility shall be dealt with in accordance with the
3 procedure set forth in section eight hundred sixty of this chapter.

4 10. The commissioner is authorized to use any residential treatment
5 facility as a residence for persons who are on community supervision.
6 Persons who reside in such a facility shall be subject to conditions of
7 community supervision imposed by the board.

8 § 132. Section 74 of the correction law, as amended by chapter 270 of
9 the laws of 2015, is amended to read as follows:

10 § 74. Discharge on holidays, Saturdays and Sundays. Where the date of
11 release on parole or conditional release, or where the date of discharge
12 from the care or custody of the department, falls on Saturday or Sunday,
13 it shall be deemed to fall on the preceding Friday. Where the date of
14 such release or discharge falls on a legal holiday it shall be deemed to
15 fall on the preceding day, except that when such legal holiday falls on
16 a Monday the date of release shall be deemed to fall on the preceding
17 Friday. Notwithstanding the foregoing, or any other provision of the law
18 to the contrary, the commissioner, in his or her discretion, may advance
19 the release date of an [~~inmate~~] incarcerated individual, who is sched-
20 uled to be released on a Friday, to a Thursday in any case where the
21 [~~inmate~~] incarcerated individual will serve a period of community super-
22 vision upon release and the commissioner determines that public safety
23 will be enhanced by a next day reporting requirement.

24 § 133. The section heading and subdivision 1 of section 76 of the
25 correction law, as amended by chapter 5 of the laws of 2015, are amended
26 to read as follows:

27 Notice of transitional services for [~~inmates~~] incarcerated individuals
28 released from correctional facilities. 1. Prior to the release of an
29 [~~inmate~~] incarcerated individual from a correctional facility, the
30 department shall provide such [~~inmate~~] incarcerated individual with
31 information on transitional services available in the county or city
32 where such [~~inmate~~] incarcerated individual is scheduled to be released.
33 Such information shall include programs designed to promote the success-
34 ful and productive reentry and reintegration of an [~~inmate~~] incarcerated
35 individual into society including medical and mental health services,
36 HIV/AIDS services, educational, vocational and employment services,
37 alcohol or substance abuse treatment and housing services. The depart-
38 ment shall maintain a current list of transitional services which shall
39 be updated regularly in order to effectuate the purposes of this
40 section. Where appropriate, the department shall provide assistance to
41 an [~~inmate~~] incarcerated individual in contacting a program or service
42 provider prior to such [~~inmate's~~] incarcerated individual's release to
43 the community.

44 § 134. Subdivisions 1, 4 and 5 of section 87 of the correction law, as
45 added by chapter 549 of the laws of 1987, are amended to read as
46 follows:

47 1. "Alternate correctional facility" shall mean a correctional facili-
48 ty designed to house medium security [~~inmates~~] incarcerated individuals
49 as defined by department rules and regulations, which is owned by the
50 city of New York, operated by the department pursuant to the rules and
51 regulations promulgated by the commissioner and in accordance with the
52 operation agreement as defined in subdivision five of this section, and
53 used for the confinement of eligible [~~inmates~~] incarcerated individuals,
54 as defined by subdivision four of this section.

55 4. "Eligible [~~inmates~~] incarcerated individuals" shall mean [~~male~~
56 inmates] incarcerated individuals of a New York city correctional facil-

1 ity who are at least nineteen years of age, who are serving a definite,
2 but not an intermittent, sentence of imprisonment, and who do not have
3 criminal charges pending against them.

4 5. "Operation agreement" shall mean an agreement entered into pursuant
5 to section eighty-eight of this article by the commissioner and the city
6 of New York which governs the operation of one or both alternate correc-
7 tional facilities and addresses all related issues, including, but not
8 limited to, general staffing levels and nature of staffing positions;
9 composition of medical staff; availability of outside medical services;
10 procedures and criteria for selecting eligible [~~inmates~~] incarcerated
11 individuals; availability and frequency of transportation of [~~inmates~~]
12 incarcerated individuals and visitors of [~~inmates~~] incarcerated individ-
13 uals to such facility; availability, content and frequency of program-
14 ming for [~~inmates~~] incarcerated individuals; mechanisms to establish,
15 monitor and review operating and capital expenditures; and legal repre-
16 sentation of both [~~inmates~~] incarcerated individuals and employees of
17 such facilities.

18 § 135. Subdivision 4 of section 88 of the correction law, as added by
19 chapter 549 of the laws of 1987, is amended to read as follows:

20 4. For each alternate correctional facility, the commissioner is here-
21 by authorized and empowered to enter into a construction agreement, an
22 operation agreement, and any other agreements or leases with the city of
23 New York which are deemed by the commissioner to be necessary or conven-
24 ient for the establishment, operation and maintenance of an alternate
25 correctional facility. An operation agreement shall govern the operation
26 of an alternate correctional facility for up to ten years after the
27 commencement of housing of eligible [~~inmates~~] incarcerated individuals
28 at such facility. The commissioner shall not operate an alternate
29 correctional facility except pursuant to an executed operation agree-
30 ment.

31 § 136. Subdivision 2 of section 88-a of the correction law, as added
32 by chapter 549 of the laws of 1987, is amended to read as follows:

33 2. To enter into an operation agreement or agreements as defined in
34 this article and pursuant to any such agreements to utilize alternate
35 correctional facilities for the housing of certain [~~inmates~~] incarcerat-
36 ed individuals of New York city correctional facilities.

37 § 137. Subdivision 1 of section 89-a of the correction law, as amended
38 by chapter 409 of the laws of 1991, is amended to read as follows:

39 1. Management of alternate correctional facilities. Superintendence,
40 management and control of alternate correctional facilities and the
41 eligible [~~inmates~~] incarcerated individuals housed therein shall be as
42 directed by the commissioner consistent with the following: an alternate
43 correctional facility shall be operated pursuant to rules and regu-
44 lations promulgated for such facilities by the commissioner in consulta-
45 tion with the state commission of correction and the provisions of the
46 operation agreement. The commissioner shall operate such facility inso-
47 far as practicable in the same manner as a general confinement facility
48 which houses medium security state [~~inmates~~] incarcerated individuals.
49 Nothing herein, however, shall preclude the commissioner from enhancing
50 staffing or programming to accommodate the particular needs of eligible
51 [~~inmates~~] incarcerated individuals pursuant to the operation agreement.
52 No [~~inmate~~] incarcerated individual shall be housed in any alternate
53 correctional facility until such facility has been established in
54 accordance with the provisions of section eighty-nine of this article.
55 The population in an alternate correctional facility shall not exceed
56 its design capacity of approximately seven hundred eligible [~~inmates~~]

1 incarcerated individuals except pursuant to variances permitted by law,
2 rule or regulation or court order.

3 § 138. Section 89-c of the correction law, as added by chapter 549 of
4 the laws of 1987, is amended to read as follows:

5 § 89-c. Use of alternate correctional facilities. 1. Alternate correc-
6 tional facilities shall serve only to supplement local correctional
7 facilities within the city of New York. In considering whether to assign
8 an eligible [~~inmate~~] incarcerated individual to an alternate correction-
9 al facility or to transfer such [~~inmate~~] incarcerated individual from
10 such facility, preference shall be given to available space suitable for
11 housing sentenced [~~inmates~~] incarcerated individuals at local correc-
12 tional facilities within the city of New York.

13 2. Consistent with the provisions of this article and subject to the
14 applicable rules and regulations for operation of alternate correctional
15 facilities and the provisions of the operation agreement, assignment of
16 [~~inmates~~] incarcerated individuals to alternate correctional facilities
17 shall be made jointly by the commissioner and the commissioner of the
18 New York city department of correction. In making such assignments,
19 consideration shall be given to [~~inmates~~] incarcerated individuals who
20 have a greater period of time remaining to be served on their sentences,
21 taking into account any applicable jail time and good behavior time. No
22 [~~inmate~~] incarcerated individual who is eligible for educational
23 services pursuant to subdivision seven of section three thousand two
24 hundred two of the education law and who chooses to avail himself or
25 herself of such services shall be assigned to an alternate correctional
26 facility.

27 3. [~~Inmates~~] Incarcerated individuals assigned to alternate correc-
28 tional facilities shall be returned to a local correctional facility
29 within the city of New York at any such time as the commissioner deter-
30 mines:

31 (a) that the assignment was not in accordance with this article, or

32 (b) that the confinement of an [~~inmate~~] incarcerated individual in an
33 alternate correctional facility is no longer suitable because it poten-
34 tially endangers the safety, security or order of the facility.

35 4. Any [~~inmate~~] incarcerated individual who is eligible for educa-
36 tional services pursuant to subdivision seven of section three thousand
37 two hundred two of the education law shall also be returned to a New
38 York city local correctional facility if he or she chooses to avail
39 himself or herself of such services.

40 5. [~~Inmates~~] Incarcerated individuals assigned to alternate correc-
41 tional facilities shall be returned to a New York city correctional
42 facility within the city of New York no later than seven days prior to
43 their scheduled release or discharge from incarceration.

44 6. Notwithstanding any other provisions of law, no [~~inmates~~] incarcer-
45 ated individuals from jurisdictions other than the city of New York
46 shall be housed at any time in an alternate correctional facility.

47 § 139. Section 89-d of the correction law, as added by chapter 549 of
48 the laws of 1987, is amended to read as follows:

49 § 89-d. Transportation. The state of New York shall have no responsi-
50 bility, financial or otherwise, for transporting [~~inmates~~] incarcerated
51 individuals between a New York city local correctional facility and an
52 alternate correctional facility, regardless of the reason for such
53 transfer. The city of New York shall be responsible for all such costs,
54 as well as the actual transportation and supervision of [~~inmates~~] incar-
55 cerated individuals during transport.

1 § 140. Subdivision 3 of section 89-e of the correction law, as added
2 by chapter 549 of the laws of 1987, is amended to read as follows:

3 3. The panel shall examine whether alternate correctional facilities
4 should continue to be utilized, whether all steps practicable have been
5 taken by the city of New York toward finding alternatives to housing
6 eligible [~~inmates~~] incarcerated individuals in alternate correctional
7 facilities, including the construction of correctional facilities within
8 the city of New York and the development of alternatives to incarceration,
9 and whether there has been compliance with all applicable laws,
10 rules and regulations and the operation agreement.

11 § 141. Subdivision 1 of section 90 of the correction law, as added by
12 chapter 478 of the laws of 1970, is amended to read as follows:

13 1. To provide correctional programs for persons who receive sentences
14 of imprisonment with terms of one year or less and who otherwise would
15 be confined in institutions in counties that do not have a sufficient
16 number of [~~inmates~~] incarcerated individuals to justify construction of
17 an adequate correctional institution or operation of a modern correc-
18 tional program;

19 § 142. The section heading and subdivisions 1 and 3 of section 91 of
20 the correction law, as amended by section 5 of part H of chapter 56 of
21 the laws of 2009, are amended to read as follows:

22 Agreements for custody of definite sentence [~~inmates~~] incarcerated
23 individuals. 1. The commissioner may enter into an agreement with any
24 county or with the city of New York to provide for custody by the
25 department of persons who receive definite sentences of imprisonment
26 with terms in excess of ninety days who otherwise would serve such
27 sentences in the jail, workhouse, penitentiary or other local correc-
28 tional institution maintained by such locality; provided, however, that
29 a person committed to the custody of the department pursuant to an
30 agreement established by this section, except a person committed pursu-
31 ant to an agreement with the city of New York, shall be delivered to a
32 reception center designated by the commissioner for an initial process-
33 ing period which shall be no longer than seven days, and thereafter,
34 shall be transferred to a general confinement correctional facility
35 located in the same county or in a county adjacent to the county where
36 such person would otherwise be committed to a local correctional facili-
37 ty. In the event, however, that exigent circumstances related to health,
38 safety or security arise which require the immediate transfer of an
39 [~~inmate~~] incarcerated individual to a different facility not within the
40 county or adjacent county, then the department shall, as soon thereafter
41 as practicable, arrange for such [~~inmate~~] incarcerated individual to be
42 returned to the jurisdiction of the county from which he or she was
43 committed.

44 3. An agreement made under this section shall require the locality to
45 pay the cost of treatment, maintenance and custody furnished by the
46 department, and the costs incurred under subdivision two or three of
47 section one hundred twenty-five of this chapter relating to the
48 provision of clothing, money and transportation upon release or
49 discharge of [~~inmates~~] incarcerated individuals delivered to the depart-
50 ment pursuant to the agreement, and shall contain at least the following
51 provisions:

52 (a) A provision specifying the minimum length of the term of imprison-
53 ment of persons who may be received by the department under the agree-
54 ment, which may be any term in excess of ninety days agreed to by the
55 parties and which need not be the same in each agreement;

1 (b) A provision that no charge will be made to the state or to the
2 department or to any of its institutions during the pendency of such
3 agreement for delivery of [~~inmates~~] incarcerated individuals to the
4 department by officers of the locality, and that the provisions of
5 section six hundred two of this chapter or of any similar law shall not
6 apply for delivery of [~~inmates~~] incarcerated individuals during such
7 time;

8 (c) Designation of the correctional facility or facilities to which
9 persons under sentences covered by the agreement are to be delivered;

10 (d) A provision requiring the department to provide transitional
11 services upon the release of persons committed to the custody of the
12 department pursuant to an agreement established by this section;

13 (e) Any other provision the commissioner may deem necessary or appro-
14 priate; and

15 (f) A provision giving either party the right to cancel the agreement
16 by giving the other party notice in writing, with cancellation to become
17 effective on such date as may be specified in such notice.

18 § 142-a. The section heading, and paragraphs (b), (c) and (d) of
19 subdivision 3 of section 91 of the correction law, as amended by section
20 10 of subpart B of part C of chapter 62 of the laws of 2011, are amended
21 to read as follows:

22 Agreements for custody of definite sentence [~~inmates~~] incarcerated
23 individuals.

24 (b) A provision that no charge will be made to the state or to the
25 state department of corrections and community supervision or to any of
26 its institutions during the pendency of such agreement for delivery of
27 [~~inmates~~] incarcerated individuals to the state department of
28 corrections and community supervision by officers of the locality, and
29 that the provisions of section six hundred two of this chapter or of any
30 similar law shall not apply for delivery of [~~inmates~~] incarcerated indi-
31 viduals during such time;

32 (c) A provision that no charge shall be made to or shall be payable by
33 the state during the pendency of such agreement for the expense of main-
34 taining parole violators pursuant to section [~~two hundred sixteen of~~
35 ~~this chapter~~] two hundred fifty-nine-i of the executive law, for the
36 expense of maintaining coram nobis prisoners pursuant to section six
37 hundred one-b of this chapter, or for the expense of maintaining felony
38 prisoners pursuant to section six hundred one-c of this chapter[~~, or for~~
39 ~~the expense of maintaining alternative local reformatory inmates pursu-~~
40 ~~ant to section eight hundred thirty five in institutions maintained by~~
41 ~~the locality~~];

42 (d) A provision, approved by the state comptroller, for reimbursement
43 of the state department of corrections and community supervision by the
44 locality for expenses incurred under subdivision two or three of section
45 one hundred twenty-five of this chapter relating to clothing, money and
46 transportation furnished upon release or discharge of [~~inmates~~] incar-
47 cerated individuals delivered to the state department of corrections and
48 community supervision pursuant to the agreement;

49 § 143. Section 92 of the correction law, as amended by section 6 of
50 part H of chapter 56 of the laws of 2009, is amended to read as follows:

51 § 92. Effect of agreement for custody of definite sentence [~~inmates~~]
52 incarcerated individuals. 1. After a copy of an agreement made under
53 section ninety-one of this article is filed with the secretary of state,
54 all commitments under sentences covered by the agreement by courts in
55 the county or city to which it applies shall be deemed to be to the
56 custody of the department and shall be so construed and interpreted

1 irrespective of the institution or agency to which the commitments are
2 made.

3 2. Any [~~inmate~~] incarcerated individual who is serving a term of
4 imprisonment covered by the agreement imposed prior to the filing of
5 such agreement, and any [~~inmate~~] incarcerated individual who is under
6 consecutive definite sentences of imprisonment with an aggregate term of
7 the length covered by the agreement, irrespective of whether one or more
8 of such sentences was imposed prior to the filing of the agreement, may
9 be transferred to the care of the department upon request of the head of
10 the county or city institution and approval of the commissioner.

11 3. [~~Inmates~~] Incarcerated individuals who are deemed committed to the
12 custody of the department under subdivision one of this section, or who
13 may be transferred to the care of the department under subdivision two
14 of this section, shall be dealt with in all respects in the same manner
15 as [~~inmates~~] incarcerated individuals committed to the custody of the
16 department.

17 4. In the event any such agreement is cancelled, [~~inmates~~] incarcerat-
18 ed individuals delivered to the department prior to the date of cancel-
19 lation shall continue to serve their sentences in the custody of such
20 department and the provisions of such agreement shall continue to apply
21 with respect to such [~~inmates~~] incarcerated individuals. A copy of the
22 notice of cancellation shall be filed with the secretary of state and
23 with the clerks of courts in the manner provided in subdivision four of
24 section ninety-one of this article, and no [~~inmates~~] incarcerated indi-
25 viduals shall be delivered to the custody of the department under such
26 agreement after the date on which such cancellation becomes effective.

27 § 143-a. Section 92 of the correction law, as amended by section 11 of
28 subpart B of part C of chapter 62 of the laws of 2011, is amended to
29 read as follows:

30 § 92. Effect of agreement for custody of definite sentence [~~inmates~~]
31 incarcerated individuals. 1. After a copy of an agreement made under
32 section ninety-one of this article is filed with the secretary of state,
33 all commitments under sentences covered by the agreement by courts in
34 the county or city to which it applies shall be deemed to be to the
35 custody of the state department of corrections and community supervision
36 and shall be so construed and interpreted irrespective of the institu-
37 tion or agency to which the commitments are made.

38 2. Any [~~inmate~~] incarcerated individual who is serving a term of
39 imprisonment covered by the agreement imposed prior to the filing of
40 such agreement, and any [~~inmate~~] incarcerated individual who is under
41 consecutive definite sentences of imprisonment with an aggregate term of
42 the length covered by the agreement, irrespective of whether one or more
43 of such sentences was imposed prior to the filing of the agreement, may
44 be transferred to the care of the state department of corrections and
45 community supervision upon request of the head of the county or city
46 institution and approval of the state commissioner of corrections and
47 community supervision.

48 3. [~~Inmates~~] Incarcerated individuals who are deemed committed to the
49 custody of the state department of corrections and community supervision
50 under subdivision one of this section, or who may be transferred to the
51 care of the state department of corrections and community supervision
52 under subdivision two of this section, shall be dealt with in all
53 respects in the same manner as [~~inmates~~] incarcerated individuals
54 committed to the custody of the state department of corrections and
55 community supervision.

1 4. In the event any such agreement is cancelled, [~~inmates~~] incarcerat-
2 ed individuals delivered to the state department of corrections and
3 community supervision prior to the date of cancellation shall continue
4 to serve their sentences in the custody of such department and the
5 provisions of such agreement shall continue to apply with respect to
6 such [~~inmates~~] incarcerated individuals. A copy of the notice of
7 cancellation shall be filed with the secretary of state and with the
8 clerks of courts in the manner provided in subdivision four of section
9 ninety-one of this article, and no [~~inmates~~] incarcerated individuals
10 shall be delivered to the custody of the state department of corrections
11 and community supervision under such agreement after the date on which
12 such cancellation becomes effective.

13 § 144. Section 93 of the correction law, as amended by section 12 of
14 subpart B of part C of chapter 62 of the laws of 2011, is amended to
15 read as follows:

16 § 93. Temporary custody of sentenced [~~inmates~~] incarcerated individ-
17 uals in emergencies. 1. Whenever a state of emergency shall be declared
18 by the chief executive officer of a local government pursuant to section
19 two hundred nine-m of the general municipal law, the chief executive
20 officer of the county in which such state of emergency is declared, or
21 where a county or counties are wholly within a city the mayor of such
22 city, may request the governor to remove all or any number of sentenced
23 [~~inmates~~] incarcerated individuals from institutions maintained by such
24 county or city. Upon receipt of such request, if the governor is satis-
25 fied that the public interest so requires, the governor may, in his or
26 her discretion, authorize and direct the state commissioner of
27 corrections and community supervision to remove such [~~inmates~~] incarcer-
28 ated individuals.

29 2. Upon receipt of any such direction the state commissioner of
30 corrections and community supervision shall transport such [~~inmates~~]
31 incarcerated individuals to any correctional facility in the department
32 and such [~~inmates~~] incarcerated individuals shall be retained in the
33 custody of the department, subject to all laws and rules and regulations
34 pertaining to [~~inmates~~] incarcerated individuals in the custody of the
35 department, until returned to the institution from which they were
36 removed or discharged or released in accordance with the law.

37 3. In the event that the state department of corrections and community
38 supervision does not have space in its correctional facilities to accom-
39 modate all or any number of the [~~inmates~~] incarcerated individuals so
40 removed from a local institution, the commissioner shall have the power
41 to lodge any number of such [~~inmates~~] incarcerated individuals in any
42 county jail, workhouse or penitentiary within the state that has room to
43 receive them and such institution shall be required to receive such
44 [~~inmates~~] incarcerated individuals. [~~Inmates~~] Incarcerated individuals
45 so lodged shall be subject to all rules and regulations pertaining to
46 [~~inmates~~] incarcerated individuals committed to such institution until
47 returned to the institution from which they were removed, or removed to
48 a state correctional facility, or discharged or released in accordance
49 with the law; provided, however, that [~~inmates~~] incarcerated individuals
50 discharged or released from any such local institution shall be entitled
51 to receive clothing, money and transportation from the state department
52 of corrections and community supervision to the same extent as [~~inmates~~]
53 incarcerated individuals discharged or released from a state correction-
54 al facility.

55 4. When sentenced [~~inmates~~] incarcerated individuals have been removed
56 from a penitentiary pursuant to this section, such penitentiary may be

1 used for the purpose of detention of prisoners awaiting trial or for any
2 other purpose to which a county jail may be put.

3 5. The original order of commitment and any other case record pertain-
4 ing to [~~inmates~~] incarcerated individuals removed pursuant to this
5 section shall be delivered to the head of any institution in which he or
6 she may be lodged and shall be returned to the institution from which he
7 or she was removed at the time of his or her return to such institution
8 or upon his or her release or discharge in accordance with the law.

9 6. [~~Inmates~~] Incarcerated individuals removed from a local institution
10 pursuant to a request made under subdivision one of this section may be
11 returned to such institution by the state commissioner of corrections
12 and community supervision, subject to the approval of the governor, at
13 any time such commissioner is satisfied that the return of such
14 [~~inmates~~] incarcerated individuals is not inconsistent with the public
15 interest.

16 7. The county or city maintaining the institution from which [~~inmates~~]
17 incarcerated individuals are removed pursuant to subdivision one of this
18 section shall be liable for all damages arising out of any act performed
19 pursuant to this section and for reimbursement for the following items:

20 (a) The cost of clothing, money and transportation furnished to any
21 [~~inmate~~] incarcerated individual who is released or discharged prior to
22 the return of such [~~inmate~~] incarcerated individual to the institution
23 from which he or she is removed shall be paid to the state department of
24 corrections and community supervision; and

25 (b) The cost of maintaining any [~~inmate~~] incarcerated individual in a
26 county jail, workhouse or penitentiary shall be paid to the local
27 government that maintains such institution. Such cost shall be the actu-
28 al per capita daily cost, as certified to the state commissioner of
29 corrections and community supervision.

30 § 145. Section 94 of the correction law, as amended by section 13 of
31 subpart B of part C of chapter 62 of the laws of 2011, is amended to
32 read as follows:

33 § 94. Use of local government institutions for residential treatment
34 of persons under the custody of the state department of corrections and
35 community supervision. 1. The state commissioner of corrections and
36 community supervision is hereby authorized to transfer any [~~inmate~~]
37 incarcerated individual under the care or custody of the department who
38 is eligible to be transferred to a residential treatment facility under
39 section seventy-three of this chapter to any county jail, workhouse or
40 penitentiary for the purpose of having such [~~inmate~~] incarcerated indi-
41 vidual engage in a residential treatment facility program; provided,
42 however, that:

43 (a) Such [~~inmate~~] incarcerated individual has resided or was employed
44 or has dependents or parents who reside in the county, or in a county
45 that is contiguous to the county, in which the institution to which he
46 or she would be transferred is located;

47 (b) Arrangements have been made for the education, on-the-job train-
48 ing, employment or for some other rehabilitative treatment of such
49 [~~inmate~~] incarcerated individual in the county, or in a county that is
50 contiguous to the county, in which the institution to which he or she
51 would be transferred is located; and

52 (c) The sheriff, warden, superintendent, local commissioner of
53 correction or other person in charge of the institution to which the
54 [~~inmate~~] incarcerated individual would be transferred consents to such
55 transfer.

1 2. An ~~[inmate]~~ incarcerated individual so transferred shall continue
2 to be in the custody of the state department of corrections and communi-
3 ty supervision but shall, during the period of such transfer, be in the
4 care of the head of the institution to which he or she is transferred.
5 The provisions of section seventy-three of this chapter shall apply in
6 the case of any such transfer as fully and completely as if the ~~[inmate]~~
7 incarcerated individual were transferred to a residential treatment
8 facility, and the head of the institution to which the ~~[inmate]~~ incar-
9 cerated individual is transferred and the officers and employees thereof
10 shall have and may exercise all of the powers of the superintendent of a
11 residential treatment facility with respect to the care or custody of
12 such ~~[inmate]~~ incarcerated individual.

13 In any case where an ~~[inmate]~~ incarcerated individual is employed,
14 however, the provisions of subdivision nine of such section seventy-
15 three shall not apply and the wages or salary of such ~~[inmate]~~ incarcer-
16 ated individual shall be dealt with under the provisions applicable to a
17 work release program in the type of institution to which he or she is
18 transferred as provided in ~~[sections]~~ section one hundred fifty-four~~[7]~~
19 or eight hundred seventy-two ~~[or eight hundred ninety-three]~~ of this
20 chapter as the case may be; and in the event such ~~[inmate]~~ incarcerated
21 individual is returned to a state correctional facility, any balance
22 remaining in the trust fund account shall be paid over to the super-
23 intendent of such facility and shall be deposited by him or her as
24 ~~[inmates']~~ incarcerated individuals' funds pursuant to section one
25 hundred sixteen of this chapter.

26 3. If at any time the head of a local institution to which an ~~[inmate]~~
27 incarcerated individual is transferred under this section is of the
28 opinion that continued care of such ~~[inmate]~~ incarcerated individual in
29 such institution is inconsistent with the welfare or safety of the
30 community or of the institution or its ~~[inmates]~~ incarcerated individ-
31 uals, he or she may request the state commissioner to return such
32 ~~[inmate]~~ incarcerated individual to a state correctional facility and,
33 upon the receipt of any such request, the commissioner shall cause such
34 ~~[inmate]~~ incarcerated individual to be so returned promptly and at the
35 expense of the state department of corrections and community super-
36 vision.

37 4. The expenses of any such transfer shall be paid by the state
38 department of corrections and community supervision and the commissioner
39 is hereby authorized to reimburse the local institution for a sum deter-
40 mined by the head of such institution and agreed to in advance by the
41 commissioner to be the cost of food, lodging and clothing within the
42 institution, and the actual and necessary food, travel and other
43 expenses required for a program outside the institution, incurred or
44 advanced by the institution; provided, however, that:

45 (a) In any case where the commissioner has a pending agreement with a
46 locality under section ninety-one of this article, the commissioner
47 shall not reimburse the local institution for any cost incurred for
48 food, lodging and clothing within the institution; and

49 (b) The wages or salary, if any, of such ~~[inmate]~~ incarcerated indi-
50 vidual shall be used for such reimbursement and shall be applied to
51 defray any costs authorized to be paid under this section before any
52 amount shall be paid by the commissioner hereunder, and any such wages
53 or salary may be so applied irrespective of the provisions of paragraph
54 (a) of this subdivision.

55 § 146. Subdivisions 2, 3 and 5 of section 95 of the correction law,
56 subdivisions 2 and 5 as added by chapter 3 of the laws of 1995 and

1 subdivision 3 as amended by chapter 518 of the laws of 1999, are amended
2 to read as follows:

3 2. Any such [~~inmate~~] incarcerated individual shall be deemed to be in
4 the custody of and subject to the jurisdiction of the department but
5 shall, during the period of his or her local confinement, be under the
6 care of the head of the local correctional facility in which he or she
7 resides.

8 3. If at any time the head of the local correctional facility is of
9 the opinion that the continued care of such [~~inmate~~] incarcerated indi-
10 vidual in the local correctional facility is inconsistent with the
11 welfare or safety of the [~~inmate~~] incarcerated individual, the communi-
12 ty, the facility or other [~~inmates~~] incarcerated individuals, he or she
13 may demand that such [~~inmate~~] incarcerated individual be transferred
14 forthwith to the custody of the department. Thereafter, the department
15 shall be obligated to receive into its custody such [~~inmate~~] incarcerat-
16 ed individual in the manner prescribed for the acceptance of newly
17 sentenced [~~inmates~~] incarcerated individuals required by section 430.20
18 of the criminal procedure law unless the contract specifies an alterna-
19 tive method of transfer. Notwithstanding the foregoing, in any case
20 where the [~~inmate~~] incarcerated individual in the care of the local
21 correctional facility pursuant to a contract as provided for in this
22 section is convicted of a class A-1 felony offense or a class B violent
23 felony offense or a class C violent felony offense, the head of the
24 local correctional facility may demand that such [~~inmate~~] incarcerated
25 individual be transferred forthwith to the custody of the department.
26 Thereafter, the department shall be obligated to receive into its custo-
27 dy such [~~inmate~~] incarcerated individual within forty-eight hours of
28 receipt of such demand from the head of the local correctional facility.

29 5. No [~~inmate~~] incarcerated individual shall be housed in a local
30 correctional facility or series of local correctional facilities pursu-
31 ant to a contract under subdivision one of this section for a period
32 exceeding six months.

33 § 147. Subdivisions (c), (d) and (e) of section 102 of the correction
34 law, as added by chapter 400 of the laws of 1984, are amended to read as
35 follows:

36 (c) "Receiving state" means a state party to this compact to which an
37 [~~inmate~~] incarcerated individual is sent for confinement other than a
38 state in which conviction or court commitment was had.

39 (d) "[~~Inmate~~] Incarcerated individual" means a male or female offender
40 who is committed, under sentence to or confined in a penal or correc-
41 tional institution.

42 (e) "Institution" means any penal or correctional facility, including
43 but not limited to a facility for the mentally ill or mentally defec-
44 tive, in which [~~inmates~~] incarcerated individuals as defined in subdivi-
45 sion (d) [~~hereof~~] of this section may lawfully be confined.

46 § 148. Subdivision (a) of section 103 of the correction law, as added
47 by chapter 400 of the laws of 1984, is amended to read as follows:

48 (a) Each party state may make one or more contracts with any one or
49 more of the other party states for the confinement of [~~inmates~~] incar-
50 cerated individuals on behalf of a sending state in institutions situ-
51 ated within receiving states. Any such contract shall provide for:

52 1. Its duration.

53 2. Payments to be made to the receiving state by the sending state for
54 [~~inmate~~] incarcerated individual maintenance, extraordinary medical and
55 dental expenses, and any participation in or receipt by [~~inmates~~] incar-
56 cerated individuals of rehabilitative or correctional services, facili-

1 ties, programs or treatment not reasonably included as part of normal
2 maintenance.

3 3. Participation in programs of [~~inmate~~] incarcerated individual
4 employment, if any; the disposition or crediting of any payments
5 received by [~~inmates~~] incarcerated individuals on account thereof; and
6 the crediting of proceeds from or disposal of any products resulting
7 therefrom.

8 4. Delivery and retaking of [~~inmates~~] incarcerated individuals.

9 5. Such other matters as may be necessary and appropriate to fix the
10 obligations, responsibilities and rights of the sending and receiving
11 states.

12 § 149. Section 104 of the correction law, as added by chapter 400 of
13 the laws of 1984, is amended to read as follows:

14 § 104. Procedures and rights. (a) Whenever the duly constituted
15 authorities in a state party to this compact, and which has entered into
16 a contract pursuant to section one hundred three of this article, shall
17 decide that confinement in, or transfer of an [~~inmate~~] incarcerated
18 individual to, an institution within the territory of another party
19 state is necessary or desirable in order to provide adequate quarters
20 and care or an appropriate program of rehabilitation or treatment, said
21 officials may direct that the confinement be within an institution with-
22 in the territory of said other party state, the receiving state to act
23 in that regard solely as agent for the sending state.

24 (b) The appropriate officials of any state party to this compact shall
25 have access, at all reasonable times, to any institution in which it has
26 a contractual right to confine [~~inmates~~] incarcerated individuals for
27 the purpose of inspecting the facilities thereof and visiting such of
28 its [~~inmates~~] incarcerated individuals as may be confined in the insti-
29 tution.

30 (c) [~~Inmates~~] Incarcerated individuals confined in an institution
31 pursuant to the terms of this compact shall at all times be subject to
32 the jurisdiction of the sending state and may at any time be removed
33 therefrom for transfer to a prison or other institution within the send-
34 ing state, for transfer to another institution in which the sending
35 state may have a contractual or other right to confine [~~inmates~~] incar-
36 cerated individuals, for release on probation or parole, for discharge,
37 or for any other purpose permitted by the laws of the sending state;
38 provide that the sending state shall continue to be obligated to such
39 payments as may be required pursuant to the terms of any contract
40 entered into under the terms contained in section one hundred three of
41 this article.

42 (d) Each receiving state shall provide regular reports to each sending
43 state on the [~~inmates~~] incarcerated individuals of that sending state in
44 institutions pursuant to this compact including a conduct record of each
45 [~~inmate~~] incarcerated individual and certify said record to the official
46 designated by the sending state, in order that each [~~inmate~~] incarcerat-
47 ed individual may have official review of his or her record in determin-
48 ing and altering the disposition of said [~~inmate~~] incarcerated individ-
49 ual in accordance with the law which may obtain in the sending state and
50 in order that the same may be a source of information for the sending
51 state.

52 (e) All [~~inmates~~] incarcerated individuals who may be confined in an
53 institution pursuant to the provisions of this compact shall be treated
54 in a reasonable and humane manner and shall be treated equally with such
55 similar [~~inmates~~] incarcerated individuals of the receiving state as may
56 be confined in the same institution. The fact of confinement in a

1 receiving state shall not deprive any [~~inmate~~] incarcerated individual
2 so confined of any legal rights which said [~~inmate~~] incarcerated indi-
3 vidual would have had if confined in an appropriate institution of the
4 sending state.

5 (f) Any hearing or hearings to which an [~~inmate~~] incarcerated individ-
6 ual confined pursuant to this compact may be entitled by the laws of the
7 sending state may be had before the appropriate authorities of the send-
8 ing state, or of the receiving state if authorized by the sending state.

9 The receiving state shall provide adequate facilities for such hearings
10 as may be conducted by the appropriate officials of a sending state. In
11 the event such hearing or hearings are had before officials of the
12 receiving state, the governing law shall be that of the sending state
13 and a record of the hearing or hearings as prescribed by the sending
14 state shall be made. Said record together with any recommendations of
15 the hearing officials shall be transmitted forthwith to the official or
16 officials before whom the hearing would have been had if it had taken
17 place in the sending state. In any and all proceedings had pursuant to
18 the provisions of this subdivision, the officials of the receiving state
19 shall act solely as agents of the sending state and no final determi-
20 nation shall be made in any matter except by the appropriate officials
21 of the sending state.

22 (g) Any [~~inmate~~] incarcerated individual confined pursuant to this
23 compact shall be released within the territory of the sending state
24 unless the [~~inmate~~] incarcerated individual, and the sending and receiv-
25 ing states, shall agree upon release in some other place. The sending
26 state shall bear the cost of such return to its territory.

27 (h) Any [~~inmate~~] incarcerated individual confined pursuant to the
28 terms of this compact shall have any and all rights to participate in
29 and derive any benefits or incur or be relieved of any obligations or
30 have such obligations modified or his or her status changed on account
31 of any action or proceeding in which he or she could have participated
32 if confined in any appropriate institution of the sending state located
33 within such state.

34 (i) The parent, guardian, trustee, or other person or persons entitled
35 under the laws of the sending state to act for, advise, or otherwise
36 function with respect to any [~~inmate~~] incarcerated individual shall not
37 be deprived of or restricted in his or her exercise of any power in
38 respect to any [~~inmate~~] incarcerated individual confined pursuant to the
39 terms of this compact.

40 § 150. Section 105 of the correction law, as added by chapter 400 of
41 the laws of 1984, is amended to read as follows:

42 § 105. Acts not reviewable in receiving state; extradition. (a) Any
43 decision of the sending state in respect to any matter over which it
44 retains jurisdiction pursuant to this compact shall be conclusive upon
45 and not reviewable within the receiving state, but if at the time the
46 sending state seeks to remove an [~~inmate~~] incarcerated individual from
47 an institution in the receiving state there is pending against the
48 [~~inmate~~] incarcerated individual within such state any criminal charge
49 or if the [~~inmate~~] incarcerated individual is formally accused of having
50 committed within such state a criminal offense, the [~~inmate~~] incarcerat-
51 ed individual shall not be returned without the consent of the receiving
52 state until discharged from prosecution or other form of proceeding,
53 imprisonment or detention for such offense. The duly accredited officers
54 of the sending state shall be permitted to transport [~~inmates~~] incarcer-
55 ated individuals pursuant to this compact through any and all states
56 party to this compact without interference.

1 (b) Any [~~inmate~~] incarcerated individual who escapes from an institu-
2 tion in which he or she is confined pursuant to this compact shall be
3 deemed a fugitive from the sending state and from the state in which the
4 institution is situated. In the case of any escape to a jurisdiction
5 other than the sending or receiving state, the responsibility for insti-
6 tution of extradition or rendition proceedings shall be that of the
7 sending state, but nothing contained herein shall be construed to
8 prevent or affect the activities of officers and agencies of any juris-
9 diction directed toward the apprehension and return of the escapee.

10 § 151. Section 106 of the correction law, as added by chapter 400 of
11 the laws of 1984, is amended to read as follows:

12 § 106. Federal aid. Any state party to this compact may accept federal
13 aid for use in connection with any institution or program, the use of
14 which is or may be affected by this compact or any contract pursuant
15 hereto and any [~~inmate~~] incarcerated individual in a receiving state
16 pursuant to this compact may participate in any such federally aided
17 program or activity for which the sending and receiving states have made
18 contractual provision, provided that if such program or activity is not
19 part of the customary correctional regimen, the express consent of the
20 appropriate official of the sending state shall be required therefor.

21 § 152. Section 108 of the correction law, as added by chapter 400 of
22 the laws of 1984, is amended to read as follows:

23 § 108. Withdrawal and termination. This compact shall continue in
24 force and remain binding upon a party state until it shall have enacted
25 a statute repealing the same and providing for the sending of formal
26 written notice of withdrawal from the compact to the appropriate offi-
27 cials of all other party states. An actual withdrawal shall not take
28 effect until one year after the notices provided in said statute have
29 been sent. Such withdrawal shall not relieve the withdrawing state from
30 its obligations assumed hereunder prior to the effective date of with-
31 drawal. Before the effective date of withdrawal, a withdrawing state
32 shall remove to its territory, at its own expense, such [~~inmates~~] incar-
33 cerated individuals as it may have confined pursuant to the provisions
34 of this compact.

35 § 153. Subdivision (a) of section 109 of the correction law, as added
36 by chapter 400 of the laws of 1984, is amended to read as follows:

37 (a) Nothing contained in this compact shall be construed to abrogate
38 or impair any agreement or other arrangement which a party state may
39 have with a nonparty state for the confinement, rehabilitation or treat-
40 ment of [~~inmates~~] incarcerated individuals nor to repeal any other laws
41 of a party state authorizing the making of cooperative institutional
42 arrangements.

43 § 154. Subdivisions 1, 2 and 4 of section 112 of the correction law,
44 subdivisions 1 and 2 as amended and subdivision 4 as added by section 19
45 of subpart A of part C of chapter 62 of the laws of 2011, are amended to
46 read as follows:

47 1. The commissioner of corrections and community supervision shall
48 have the superintendence, management and control of the correctional
49 facilities in the department and of the [~~inmates~~] incarcerated individ-
50 uals confined therein, and of all matters relating to the government,
51 discipline, policing, contracts and fiscal concerns thereof. He or she
52 shall have the power and it shall be his or her duty to inquire into all
53 matters connected with said correctional facilities. He or she shall
54 make such rules and regulations, not in conflict with the statutes of
55 this state, for the government of the officers and other employees of
56 the department assigned to said facilities, and in regard to the duties

1 to be performed by them, and for the government and discipline of each
2 correctional facility, as he or she may deem proper, and shall cause
3 such rules and regulations to be recorded by the superintendent of the
4 facility, and a copy thereof to be furnished to each employee assigned
5 to the facility. He or she shall also prescribe a system of accounts and
6 records to be kept at each correctional facility, which system shall be
7 uniform at all of said facilities, and he or she shall also make rules
8 and regulations for a record of photographs and other means of identify-
9 ing each [~~inmate~~] incarcerated individual received into said facilities.
10 He or she shall appoint and remove, subject to the civil service law
11 [~~and rules~~], subordinate officers and other employees of the department
12 who are assigned to correctional facilities.

13 2. The commissioner shall have the management and control of persons
14 released on community supervision and of all matters relating to such
15 persons' effective reentry into the community, as well as all contracts
16 and fiscal concerns thereof. The commissioner shall have the power and
17 it shall be his or her duty to inquire into all matters connected with
18 said community supervision. The commissioner shall make such rules and
19 regulations, not in conflict with the statutes of this state, for the
20 governance of the officers and other employees of the department
21 assigned to said community supervision, and in regard to the duties to
22 be performed by them, as he or she deems proper and shall cause such
23 rules and regulations to be furnished to each employee assigned to
24 perform community supervision. The commissioner shall also prescribe a
25 system of accounts and records to be kept, which shall be uniform. The
26 commissioner shall also make rules and regulations for a record of
27 photographs and other means of identifying each [~~inmate~~] incarcerated
28 individual released to community supervision. The commissioner shall
29 appoint officers and other employees of the department who are assigned
30 to perform community supervision.

31 4. The commissioner and the chair of the parole board shall work
32 jointly to develop and implement, as soon as practicable, a risk and
33 needs assessment instrument or instruments, which shall be empirically
34 validated, that would be administered to [~~inmates~~] incarcerated individ-
35 uals upon reception into a correctional facility, and throughout their
36 incarceration and release to community supervision, to facilitate appro-
37 priate programming both during an [~~inmate's~~] incarcerated individual's
38 incarceration and community supervision, and designed to facilitate the
39 successful integration of [~~inmates~~] incarcerated individuals into the
40 community.

41 § 155. Section 113 of the correction law, as amended by section 20 of
42 subpart A of part C of chapter 62 of the laws of 2011, is amended to
43 read as follows:

44 § 113. Absence of [~~inmate~~] incarcerated individual for funeral and
45 deathbed visits authorized. The commissioner may permit any [~~inmate~~]
46 incarcerated individual confined by the department except one awaiting
47 the sentence of death to attend the funeral of his or her father, moth-
48 er, guardian or former guardian, child, brother, sister, husband, wife,
49 grandparent, grandchild, ancestral uncle or ancestral aunt within the
50 state, or to visit such individual during his or her illness if death be
51 imminent; but the exercise of such power shall be subject to such rules
52 and regulations as the commissioner shall prescribe, respecting the
53 granting of such permission, duration of absence from the institution,
54 custody, transportation and care of the [~~inmate~~] incarcerated
55 individual, and guarding against escape. Any expense incurred under the
56 provisions of this section, with respect to any [~~inmate~~] incarcerated

1 individual permitted to attend a funeral or visit a relative during last
2 illness, shall be deemed an expense of maintenance of the institution
3 and be paid from moneys available therefor; but the superintendent, if
4 the rules and regulations of the commissioner shall so provide, may
5 allow the ~~[inmate]~~ incarcerated individual or anyone in his or her
6 behalf to reimburse the state for such expense.

7 § 156. Section 114 of the correction law, as added by chapter 372 of
8 the laws of 2018, is amended to read as follows:

9 § 114. Rehabilitation programs for women; to be commensurate to those
10 afforded men. It shall be the duty of the commissioner to assure an
11 array of rehabilitation programs are provided among the correctional
12 facilities in which female ~~[inmates]~~ incarcerated individuals are
13 confined, within the appropriations made therefor, including but not
14 limited to vocational, academic and industrial programs, which are
15 comparable to the programs provided to male ~~[inmates]~~ incarcerated indi-
16 viduals during the course of their incarceration.

17 § 157. Section 116 of the correction law, as amended by section 14 of
18 subpart B of part C of chapter 62 of the laws of 2011, is amended to
19 read as follows:

20 § 116. ~~[Inmates']~~ incarcerated individuals' funds. The warden or
21 superintendent of each of the institutions within the jurisdiction of
22 the department of corrections and community supervision shall deposit at
23 least once in each week to his or her credit as such warden, or super-
24 intendent, in such bank or banks as may be designated by the comp-
25 troller, all the moneys received by him or her as such warden, or super-
26 intendent, as ~~[inmates']~~ incarcerated individuals' funds, and send to
27 the comptroller and also to the commissioner monthly, a statement show-
28 ing the amount so received and deposited. Such statement of deposits
29 shall be certified by the proper officer of the bank receiving such
30 deposit or deposits. The warden, or superintendent, shall also verify by
31 his or her affidavit that the sum so deposited is all the money received
32 by him or her as ~~[inmates']~~ incarcerated individuals' funds during the
33 month. Any bank in which such deposits shall be made shall, before
34 receiving any such deposits, file a bond with the comptroller of the
35 state, subject to his or her approval, for such sum as he or she shall
36 deem necessary. Upon a certificate of approval issued by the director
37 of the budget, pursuant to the provisions of section fifty-three of the
38 state finance law, the amount of interest, if any, heretofore accrued
39 and hereafter to accrue on moneys so deposited, heretofore and hereafter
40 credited to the warden, or superintendent, by the bank from time to
41 time, shall be available for expenditure by the warden, or superinten-
42 dent, subject to the direction of the commissioner, for welfare work
43 among the ~~[inmates]~~ incarcerated individuals in his or her custody. The
44 withdrawal of moneys so deposited by such warden, or superintendent, as
45 ~~[inmates']~~ incarcerated individuals' funds, including any interest so
46 credited, shall be subject to his or her check. Each warden, or super-
47 intendent, shall each month provide the comptroller and also the commis-
48 sioner with a record of all withdrawals from ~~[inmates']~~ incarcerated
49 individuals' funds. As used in this section, the term "~~[inmates']~~ incar-
50 cerated individuals' funds" means the funds in the possession of the
51 ~~[inmate]~~ incarcerated individual at the time of his or her admission
52 into the institution, funds earned by him or her as provided in section
53 one hundred eighty-seven of this chapter and any other funds received by
54 him or her or on his or her behalf and deposited with such warden or
55 superintendent in accordance with the rules and regulations of the
56 commissioner. Whenever the total unencumbered value of funds in an

1 [~~inmate's~~] incarcerated individual's account exceeds ten thousand
2 dollars, the superintendent shall give written notice to the office of
3 victim services.

4 § 158. Section 119 of the correction law, as amended by chapter 476 of
5 the laws of 1970, is amended to read as follows:

6 § 119. Daily report concerning [~~inmates~~] incarcerated individuals.
7 The superintendent of each correctional facility shall make a daily
8 report to the commissioner of correction, stating the names of all
9 [~~inmates~~] incarcerated individuals received into the facility during the
10 preceding day, the counties in which they were tried, the crimes of
11 which they were convicted, the nature and duration of their sentences,
12 their former trade, employment or occupation, their habits, color, age,
13 place of nativity, degree of instruction, and a description of their
14 persons, and also stating whether any such [~~inmates~~] incarcerated indi-
15 viduals have ever been confined in any state or county correctional
16 institution, and if so, stating the offense for which they were
17 confined, and the duration of their punishment, and also stating in such
18 report the names of all the [~~inmates~~] incarcerated individuals trans-
19 ferred or released to the community or delivered to other governmental
20 authority on the preceding day, and all other particulars in relation to
21 such persons that are required to be stated in relation to the [~~inmates~~]
22 incarcerated individuals received in the facility.

23 § 159. Subdivision 2 of section 120 of the correction law, as amended
24 by section 15 of subpart B of part C of chapter 62 of the laws of 2011,
25 is amended to read as follows:

26 2. Nothing in this section shall limit in any way the authority of the
27 commissioner, or any county or the city of New York, to enter into any
28 contract authorized by subdivision eighteen of section two, section
29 seventy-two-a, section seventy-three, section ninety-five, article
30 five-A or article twenty-six of this chapter, or to limit the responsi-
31 bility of the department of corrections and community supervision to
32 supervise [~~inmates~~] incarcerated individuals or persons released to
33 community supervision while away from an institution pursuant to section
34 seventy-two-a, section seventy-three or article twenty-six of this chap-
35 ter or while confined at a drug treatment campus as defined in subdivi-
36 sion twenty of section two of this chapter.

37 § 160. Section 121 of the correction law, as added by chapter 202 of
38 the laws of 2007, is amended to read as follows:

39 § 121. Private ownership or operation of correctional facilities.
40 Except as otherwise provided in subdivisions two, three and four of
41 section one hundred twenty of this article or in federal law, the
42 private operation or management of a correctional facility as defined in
43 subdivision four of section two of this chapter or a local correctional
44 facility, as defined in subdivision sixteen of section two of this chap-
45 ter, the private ownership or operation of a facility for housing state
46 or local [~~inmates~~] incarcerated individuals or the private ownership or
47 operation of a facility for the incarceration of other state's [~~inmates~~]
48 incarcerated individuals is prohibited.

49 § 161. Section 125 of the correction law, as amended by chapter 476 of
50 the laws of 1970, subdivision 2 as amended by section 21 of subpart A of
51 part C of chapter 62 of the laws of 2011, and subdivision 3 as amended
52 by chapter 55 of the laws of 1992, is amended to read as follows:

53 § 125. [~~Inmates'~~] Incarcerated individuals' money, clothing and other
54 property; what to be furnished them on their release. 1. The superinten-
55 dent, or an employee covered by bond who is designated by the super-
56 intendent, of each correctional facility shall take charge of all moneys

1 and other articles which may be brought to the facility by the [~~inmates~~]
2 incarcerated individuals, and shall cause the same, immediately upon the
3 receipt thereof, to be entered among the receipts of the facility; which
4 money and other articles, whenever the [~~inmate~~] incarcerated individual
5 from whom the same was received shall be discharged from the custody of
6 the department, or the same shall be otherwise legally demanded, shall
7 be returned by the said superintendent to such [~~inmate~~] incarcerated
8 individual or other person legally entitled to the same, and vouchers
9 shall be taken therefor. The commissioner shall promulgate rules and
10 regulations concerning the custody and transfer of such money and other
11 articles in cases where [~~inmates~~] incarcerated individuals are trans-
12 ferred from one facility to another.

13 2. The superintendent of each of said facilities shall furnish to each
14 [~~inmate~~] incarcerated individual who shall be discharged or released
15 from said facility by pardon, parole, conditional release or otherwise,
16 except such [~~inmates~~] incarcerated individuals as are released for
17 return for resentencing or new trial or upon a certificate of reasonable
18 doubt, and except such [~~inmates~~] incarcerated individuals who are
19 released to participate in a program outside the facility who are
20 required to return to the facility, suitable clothing adapted to the
21 season in which he or she is discharged not to exceed sixty-five dollars
22 in value and transportation to the county of his or her conviction or to
23 such other place as the commissioner may designate. In addition, the
24 commissioner shall take such steps as are necessary to ensure that
25 [~~inmates~~] incarcerated individuals have at least forty dollars available
26 upon release.

27 3. In any case where an [~~inmate~~] incarcerated individual is not enti-
28 tled to receive clothing and transportation under subdivision two of
29 this section, the superintendent, in his or her discretion, but subject
30 to the rules of the department, may furnish an [~~inmate~~] incarcerated
31 individual who is released from a facility with clothing or transporta-
32 tion not in excess of the value for each item specified in subdivision
33 two of this section.

34 § 162. Section 130 of the correction law, as amended by chapter 476 of
35 the laws of 1970, is amended to read as follows:

36 § 130. Custody of [~~inmate~~] incarcerated individual sentenced to death
37 and commuted by governor. The commissioner shall designate appropriate
38 correctional facilities to receive, on the order of the governor, any
39 person convicted of any crime punishable by death, or who shall be
40 pardoned, on condition of being confined either for life or a term of
41 years in a correctional facility, and such person shall be confined
42 according to the terms of such condition.

43 § 163. Section 132 of the correction law, as amended by chapter 843 of
44 the laws of 1980, is amended to read as follows:

45 § 132. Retaking of an escaped [~~inmate~~] incarcerated individual. If an
46 [~~inmate~~] incarcerated individual escapes from a correctional facility,
47 he or she may be arrested and returned by the superintendent or by an
48 officer or employee of the department or by any peace officer, acting
49 pursuant to his or her special duties, or police officer without a
50 warrant; or a magistrate may cause such escaped [~~inmate~~] incarcerated
51 individual to be arrested and held in custody until he or she can be
52 removed to a correctional facility, as in the case of a commitment.
53 Rewards for the taking of such escaped [~~inmates~~] incarcerated individ-
54 uals may be provided for by the rules of the department.

55 § 164. Section 133 of the correction law, as amended by chapter 550 of
56 the laws of 1978, is amended to read as follows:

1 § 133. Superintendent to report concerning [~~inmate~~] incarcerated indi-
2 vidual believed mentally ill when crime was committed. Whenever the
3 superintendent of a correctional facility shall have reason to believe
4 that any [~~inmate~~] incarcerated individual in the facility was mentally
5 ill at the time he or she committed the offense for which he or she was
6 sentenced, such superintendent shall communicate in writing to the
7 commissioner of correction his or her reason for such opinion, and shall
8 refer the commissioner of correction to all the sources of information
9 with which he or she may be acquainted in relation to the mental illness
10 of such [~~inmate~~] incarcerated individual. The commissioner of correction
11 shall then transmit such opinion and information to the governor with
12 his or her recommendations thereon.

13 § 165. Section 136 of the correction law, as amended by chapter 431 of
14 the laws of 2015, is amended to read as follows:

15 § 136. Correctional education. 1. The objective of correctional educa-
16 tion in its broadest sense should be the socialization of the [~~inmates~~]
17 incarcerated individuals through varied impressional and expressional
18 activities, with emphasis on individual [~~inmate~~] incarcerated individual
19 needs. The objective of this program shall be the return of these
20 [~~inmates~~] incarcerated individuals to society with a more wholesome
21 attitude toward living, with a desire to conduct themselves as good
22 citizens, and with the skill and knowledge which will give them a
23 reasonable chance to maintain themselves and their dependents through
24 honest labor. To this end each [~~inmate~~] incarcerated individual shall be
25 given a program of education which, on the basis of available data,
26 seems most likely to further the process of socialization and rehabili-
27 tation. Provided that, the commissioner, in consultation with the
28 commissioner of education, shall develop a curricula for and require
29 provision of an education program to all [~~inmates~~] incarcerated individ-
30 ual, on a periodic basis, on the consequences and prevention of shaken
31 baby syndrome which may include the viewing of a video presentation
32 thereon. The time daily devoted to such education shall be such as is
33 required for meeting the above objectives. The director of education,
34 subject to the direction of the commissioner and after consultation with
35 the commissioner of education, shall develop the curricula and the
36 education programs that are required to meet the special needs of each
37 correctional facility in the department. The commissioner of education,
38 in cooperation with the commissioner and the director of education,
39 shall set up the educational requirements for the certification of
40 teachers in all such correctional facilities. Such educational require-
41 ments shall be sufficiently broad and comprehensive to include training
42 in penology, sociology, psychology, philosophy, in the special subjects
43 to be taught, and in any other professional courses as may be deemed
44 necessary by the responsible officers, and shall include training relat-
45 ing to the consequences and prevention of shaken baby syndrome which may
46 include the viewing of a video presentation thereon. No certificates for
47 teaching service in the state institutions shall be issued unless a
48 minimum of four years of training beyond the high school has been
49 secured, or an acceptable equivalent. Existing requirements for the
50 certification of teachers in the institutions shall continue in force
51 until changed pursuant to the provisions of this section.

52 2. All [~~inmates~~] incarcerated individuals admitted to the department
53 serving a determinate term of imprisonment, or an indeterminate sentence
54 of imprisonment other than a sentence of life imprisonment without
55 parole, who have been evaluated upon admission pursuant to subdivision
56 one of section one hundred thirty-seven of this article and are deter-

1 mined to be capable of successfully completing the academic course work
2 required for the test assessing secondary completion, shall be provided
3 with the opportunity to complete such course work at least two months
4 prior to the date on which such [~~inmate~~] incarcerated individual may be
5 paroled, conditionally released, released to post-release supervision
6 pursuant to section 70.40 of the penal law, or presumptively released,
7 pursuant to section eight hundred three of this chapter. Upon admission
8 to the department, such [~~inmates~~] incarcerated individuals will be
9 provided with written notice that the test assessing secondary
10 completion programs are available for all [~~inmates~~] incarcerated indi-
11 viduals who so apply.

12 3. The department shall ensure that academic education programs which
13 provide the appropriate curriculum and certified academic staff for the
14 test assessing secondary completion instruction are available at all
15 correctional facilities housing [~~inmates~~] incarcerated individuals who
16 are eligible as specified in subdivision two of this section. The
17 department shall provide academic staff who are qualified to provide
18 such instruction and who are members of the competitive class of the
19 civil service of New York state. The department shall develop a plan for
20 implementation of the test assessing secondary completion requirement
21 which shall be presented to the assembly standing committee on
22 correction and the senate standing committee on crime victims, crime and
23 correction on or before April first, two thousand nineteen.

24 § 166. Section 137 of the correction law, as added by section 476 of
25 the laws of 1970, subdivision 1 as amended by chapter 476 of the laws of
26 2017, subdivision 6 as amended by chapter 490 of the laws of 1974, the
27 opening paragraph and paragraph (f) of subdivision 6 as amended and
28 paragraphs (d) and (e) of subdivision b as added by chapter 1 of the
29 laws of 2008, is amended to read as follows:

30 § 137. Program of treatment, control, discipline at correctional
31 facilities. 1. The commissioner shall establish program and classifica-
32 tion procedures designed to assure the complete study of the background
33 and condition of each [~~inmate~~] incarcerated individual in the care or
34 custody of the department and the assignment of such [~~inmate~~] incarcer-
35 ated individual to a program that is most likely to be useful in assist-
36 ing him or her to refrain from future violations of the law. Such proce-
37 dures shall be incorporated into the rules and regulations of the
38 department and shall require among other things: consideration of the
39 physical, mental and emotional condition of the [~~inmate~~] incarcerated
40 individual; consideration of his or her educational and vocational
41 needs; enrollment of each [~~inmate~~] incarcerated individual in assigned
42 programs as soon as practicable; consideration of the danger he or she
43 presents to the community or to other [~~inmates~~] incarcerated
44 individuals; the recording of continuous case histories including
45 notations as to apparent success or failure of treatment employed; and
46 periodic review of case histories and treatment methods used.

47 2. The commissioner shall provide for such measures as he or she may
48 deem necessary or appropriate for the safety, security and control of
49 correctional facilities and the maintenance of order therein.

50 3. Each [~~inmate~~] incarcerated individual shall be entitled to clothing
51 suited to the season and weather conditions and to a sufficient quantity
52 of wholesome and nutritious food. To the extent practicable, the cloth-
53 ing and bedding of [~~inmates~~] incarcerated individuals shall be manufac-
54 tured and laundered in institutions in the department.

55 4. Whenever there shall be a sufficient number of cells or rooms in a
56 correctional facility, each [~~inmate~~] incarcerated individual shall be

1 given sleeping accommodations in a separate cell or room, provided,
2 however, that nothing herein contained shall be construed so as to limit
3 the right of the department to utilize dormitory-type accommodations
4 where necessary or where appropriate to a program of treatment.

5 5. No [~~inmate~~] incarcerated individual in the care or custody of the
6 department shall be subjected to degrading treatment, and no officer or
7 other employee of the department shall inflict any blows whatever upon
8 any [~~inmate~~] incarcerated individual, unless in self defense, or to
9 suppress a revolt or insurrection. When any [~~inmate~~] incarcerated indi-
10 vidual, or group of [~~inmates~~] incarcerated individuals, shall offer
11 violence to any person, or do or attempt to do any injury to property,
12 or attempt to escape, or resist or disobey any lawful direction, the
13 officers and employees shall use all suitable means to defend them-
14 selves, to maintain order, to enforce observation of discipline, to
15 secure the persons of the offenders and to prevent any such attempt or
16 escape.

17 6. Except as provided in paragraphs (d) and (e) of this subdivision,
18 the superintendent of a correctional facility may keep any [~~inmate~~]
19 incarcerated individual confined in a cell or room, apart from the
20 accommodations provided for [~~inmates~~] incarcerated individuals who are
21 participating in programs of the facility, for such period as may be
22 necessary for maintenance of order or discipline, but in any such case
23 the following conditions shall be observed:

24 (a) The [~~inmate~~] incarcerated individual shall be supplied with a
25 sufficient quantity of wholesome and nutritious food, provided, however,
26 that such food need not be the same as the food supplied to [~~inmates~~]
27 incarcerated individuals who are participating in programs of the facil-
28 ity;

29 (b) Adequate sanitary and other conditions required for the health of
30 the [~~inmate~~] incarcerated individual shall be maintained;

31 (c) Where such confinement is for a period in excess of twenty-four
32 hours, the superintendent shall arrange for the facility health services
33 director, or a registered nurse or physician's associate approved by the
34 facility health services director to visit such [~~inmate~~] incarcerated
35 individual at the expiration of twenty-four hours and at least once in
36 every twenty-four hour period thereafter, during the period of such
37 confinement, to examine into the state of health of the [~~inmate~~] incar-
38 cerated individual, and the superintendent shall give full consideration
39 to any recommendation that may be made by the facility health services
40 director for measures with respect to dietary needs or conditions of
41 confinement of such [~~inmate~~] incarcerated individual required to main-
42 tain the health of such [~~inmate~~] incarcerated individual; and

43 (d) (i) Except as set forth in clause (E) of subparagraph (ii) of this
44 paragraph, the department, in consultation with mental health clini-
45 cians, shall divert or remove [~~inmates~~] incarcerated individuals with
46 serious mental illness, as defined in paragraph (e) of this subdivision,
47 from segregated confinement, where such confinement could potentially be
48 for a period in excess of thirty days, to a residential mental health
49 treatment unit. Nothing in this paragraph shall be deemed to prevent
50 the disciplinary process from proceeding in accordance with department
51 rules and regulations for disciplinary hearings.

52 (ii) (A) Upon placement of an [~~inmate~~] incarcerated individual into
53 segregated confinement at a level one or level two facility, a suicide
54 prevention screening instrument shall be administered by staff from the
55 department or the office of mental health who has been trained for that
56 purpose. If such a screening instrument reveals that the [~~inmate~~] incar-

1 cerated individual is at risk of suicide, a mental health clinician
2 shall be consulted and appropriate safety precautions shall be taken.
3 Additionally, within one business day of the placement of such an
4 [~~inmate~~] incarcerated individual into segregated confinement at a level
5 one or level two facility, the [~~inmate~~] incarcerated individual shall be
6 assessed by a mental health clinician.

7 (B) Upon placement of an [~~inmate~~] incarcerated individual into segre-
8 gated confinement at a level three or level four facility, a suicide
9 prevention screening instrument shall be administered by staff from the
10 department or the office of mental health who has been trained for that
11 purpose. If such a screening instrument reveals that the [~~inmate~~] incar-
12 cerated individual is at risk of suicide, a mental health clinician
13 shall be consulted and appropriate safety precautions shall be taken.
14 All [~~inmates~~] incarcerated individuals placed in segregated confinement
15 at a level three or level four facility shall be assessed by a mental
16 health clinician, within fourteen days of such placement into segregated
17 confinement.

18 (C) At the initial assessment, if the mental health clinician finds
19 that an [~~inmate~~] incarcerated individual suffers from a serious mental
20 illness, a recommendation shall be made whether exceptional circum-
21 stances, as described in clause (E) of this subparagraph, exist. In a
22 facility with a joint case management committee, such recommendation
23 shall be made by such committee. In a facility without a joint case
24 management committee, the recommendation shall be made jointly by a
25 committee consisting of the facility's highest ranking mental health
26 clinician, the deputy superintendent for security, and the deputy super-
27 intendent for program services, or their equivalents. Any such recommen-
28 dation shall be reviewed by the joint central office review committee.
29 The administrative process described in this clause shall be completed
30 within fourteen days of the initial assessment, and if the result of
31 such process is that the [~~inmate~~] incarcerated individual should be
32 removed from segregated confinement, such removal shall occur as soon as
33 practicable, but in no event more than seventy-two hours from the
34 completion of the administrative process.

35 (D) If an [~~inmate~~] incarcerated individual with a serious mental
36 illness is not diverted or removed to a residential mental health treat-
37 ment unit, such [~~inmate~~] incarcerated individual shall be reassessed by
38 a mental health clinician within fourteen days of the initial assessment
39 and at least once every fourteen days thereafter. After each such addi-
40 tional assessment, a recommendation as to whether such [~~inmate~~] incar-
41 cerated individual should be removed from segregated confinement shall
42 be made and reviewed according to the process set forth in clause (C) of
43 this subparagraph.

44 (E) A recommendation or determination whether to remove an [~~inmate~~]
45 incarcerated individual from segregated confinement shall take into
46 account the assessing mental health clinicians' opinions as to the
47 [~~inmate's~~] incarcerated individual's mental condition and treatment
48 needs, and shall also take into account any safety and security concerns
49 that would be posed by the [~~inmate's~~] incarcerated individual's removal,
50 even if additional restrictions were placed on the [~~inmate's~~] incarcer-
51 ated individual's access to treatment, property, services or privileges
52 in a residential mental health treatment unit. A recommendation or
53 determination shall direct the [~~inmate's~~] incarcerated individual's
54 removal from segregated confinement except in the following exceptional
55 circumstances: (1) when the reviewer finds that removal would pose a
56 substantial risk to the safety of the [~~inmate~~] incarcerated individual

1 or other persons, or a substantial threat to the security of the facili-
2 ty, even if additional restrictions were placed on the [~~inmate's~~] incar-
3 cerated individual's access to treatment, property, services or privi-
4 leges in a residential mental health treatment unit; or (2) when the
5 assessing mental health clinician determines that such placement is in
6 the [~~inmate's~~] incarcerated individual's best interests based on his or
7 her mental condition and that removing such [~~inmate~~] incarcerated indi-
8 vidual to a residential mental health treatment unit would be detri-
9 mental to his or her mental condition. Any determination not to remove
10 an [~~inmate~~] incarcerated individual with serious mental illness from
11 segregated confinement shall be documented in writing and include the
12 reasons for the determination.

13 (iii) [~~Inmates~~] Incarcerated individuals with serious mental illness
14 who are not diverted or removed from segregated confinement shall be
15 offered a heightened level of care, involving a minimum of two hours
16 each day, five days a week, of out-of-cell therapeutic treatment and
17 programming. This heightened level of care shall not be offered only in
18 the following circumstances:

19 (A) The heightened level of care shall not apply when an [~~inmate~~]
20 incarcerated individual with serious mental illness does not, in the
21 reasonable judgment of a mental health clinician, require the heightened
22 level of care. Such determination shall be documented with a written
23 statement of the basis of such determination and shall be reviewed by
24 the Central New York Psychiatric Center clinical director or his or her
25 designee. Such a determination is subject to change should the
26 [~~inmate's~~] incarcerated individual's clinical status change. Such deter-
27 mination shall be reviewed and documented by a mental health clinician
28 every thirty days, and in consultation with the Central New York Psychi-
29 atric Center clinical director or his or her designee not less than
30 every ninety days.

31 (B) The heightened level of care shall not apply in exceptional
32 circumstances when providing such care would create an unacceptable risk
33 to the safety and security of [~~inmates~~] incarcerated individuals or
34 staff. Such determination shall be documented by security personnel
35 together with the basis of such determination and shall be reviewed by
36 the facility superintendent, in consultation with a mental health clini-
37 cian, not less than every seven days for as long as the [~~inmate~~] incar-
38 cerated individual remains in segregated confinement. The facility shall
39 attempt to resolve such exceptional circumstances so that the heightened
40 level of care may be provided. If such exceptional circumstances remain
41 unresolved for thirty days, the matter shall be referred to the joint
42 central office review committee for review.

43 (iv) [~~Inmates~~] Incarcerated individuals with serious mental illness
44 who are not diverted or removed from segregated confinement shall not be
45 placed on a restricted diet, unless there has been a written determi-
46 nation that the restricted diet is necessary for reasons of safety and
47 security. If a restricted diet is imposed, it shall be limited to seven
48 days, except in the exceptional circumstances where the joint case
49 management committee determines that limiting the restricted diet to
50 seven days would pose an unacceptable risk to the safety and security of
51 [~~inmates~~] incarcerated individuals or staff. In such case, the need for
52 a restricted diet shall be reassessed by the joint case management
53 committee every seven days.

54 (v) All [~~inmates~~] incarcerated individuals in segregated confinement
55 in a level one or level two facility who are not assessed with a serious
56 mental illness at the initial assessment shall be offered at least one

1 interview with a mental health clinician within fourteen days of their
2 initial mental health assessment, and additional interviews at least
3 every thirty days thereafter, unless the mental health clinician at the
4 most recent interview recommends an earlier interview or assessment. All
5 [~~inmates~~] incarcerated individuals in segregated confinement in a level
6 three or level four facility who are not assessed with a serious mental
7 illness at the initial assessment shall be offered at least one inter-
8 view with a mental health clinician within thirty days of their initial
9 mental health assessment, and additional interviews at least every nine-
10 ty days thereafter, unless the mental health clinician at the most
11 recent interview recommends an earlier interview or assessment.

12 (e) An [~~inmate~~] incarcerated individual has a serious mental illness
13 when he or she has been determined by a mental health clinician to meet
14 at least one of the following criteria:

15 (i) he or she has a current diagnosis of, or is diagnosed at the
16 initial or any subsequent assessment conducted during the [~~inmate's~~]
17 incarcerated individual's segregated confinement with, one or more of
18 the following types of Axis I diagnoses, as described in the most recent
19 edition of the Diagnostic and Statistical Manual of Mental Disorders,
20 and such diagnoses shall be made based upon all relevant clinical
21 factors, including but not limited to symptoms related to such diag-
22 noses:

23 (A) schizophrenia (all sub-types),
24 (B) delusional disorder,
25 (C) schizophreniform disorder,
26 (D) schizoaffective disorder,
27 (E) brief psychotic disorder,
28 (F) substance-induced psychotic disorder (excluding intoxication and
29 withdrawal),

30 (G) psychotic disorder not otherwise specified,

31 (H) major depressive disorders, or

32 (I) bipolar disorder I and II;

33 (ii) he or she is actively suicidal or has engaged in a recent, seri-
34 ous suicide attempt;

35 (iii) he or she has been diagnosed with a mental condition that is
36 frequently characterized by breaks with reality, or perceptions of real-
37 ity, that lead the individual to experience significant functional
38 impairment involving acts of self-harm or other behavior that have a
39 seriously adverse effect on life or on mental or physical health;

40 (iv) he or she has been diagnosed with an organic brain syndrome that
41 results in a significant functional impairment involving acts of self-
42 harm or other behavior that have a seriously adverse effect on life or
43 on mental or physical health;

44 (v) he or she has been diagnosed with a severe personality disorder
45 that is manifested by frequent episodes of psychosis or depression, and
46 results in a significant functional impairment involving acts of self-
47 harm or other behavior that have a seriously adverse effect on life or
48 on mental or physical health; or

49 (vi) he or she has been determined by a mental health clinician to
50 have otherwise substantially deteriorated mentally or emotionally while
51 confined in segregated confinement and is experiencing significant func-
52 tional impairment indicating a diagnosis of serious mental illness and
53 involving acts of self-harm or other behavior that have a serious
54 adverse effect on life or on mental or physical health.

55 (f) The superintendent shall make a full report to the commissioner at
56 least once a week concerning the condition of such [~~inmate~~] incarcerated

1 individual and shall forthwith report to the commissioner any recommen-
2 dation relative to health maintenance or health care delivery made by
3 the facility health services director and any recommendation relative to
4 mental health treatment or confinement of an [~~inmate~~] incarcerated indi-
5 vidual with a serious mental illness made by the mental health clinician
6 pursuant to paragraphs (d) and (e) of this subdivision that is not
7 endorsed or carried out, as the case may be, by the superintendent.

8 § 167. Section 138 of the correction law, as added by chapter 231 of
9 the laws of 1975, and subdivision 6 as amended by section 22 of subpart
10 A of part C of chapter 62 of the laws of 2011, is amended to read as
11 follows:

12 § 138. Institutional rules and regulations for [~~inmates~~] incarcerated
13 individuals at all correctional facilities. 1. All institutional rules
14 and regulations defining and prohibiting [~~inmates~~] incarcerated individ-
15 uals misconduct shall be published and posted in prominent locations
16 within the institution and set forth in both the English and Spanish
17 language.

18 2. All [~~inmates~~] incarcerated individuals shall be provided with writ-
19 ten copies of these rules and regulations upon admission to the institu-
20 tion and all [~~inmates~~] incarcerated individuals presently incarcerated
21 in a correctional facility shall be provided with written copies of
22 these rules and regulations.

23 3. Facility rules shall be specific and precise giving all [~~inmates~~]
24 incarcerated individuals actual notice of the conduct prohibited. Facil-
25 ity rules shall state the range of disciplinary sanctions which can be
26 imposed for violation of each rule.

27 4. [~~Inmates~~] Incarcerated individuals shall not be disciplined for
28 making written or oral statements, demands, or requests involving a
29 change of institutional conditions, policies, rules, regulations, or
30 laws affecting an institution.

31 5. No [~~inmate~~] incarcerated individual shall be disciplined except for
32 a violation of a published and posted written rule or regulation, a copy
33 of which has been provided the [~~inmate~~] incarcerated individual.

34 6. All rules and regulations pertaining to [~~inmates~~] incarcerated
35 individuals established by the department of corrections and community
36 supervision and all rules and regulations pertaining to [~~inmates~~] incar-
37 cerated individuals established by any institutional staff at any state
38 correctional facility shall be reviewed annually by the commissioner of
39 the department of corrections and community supervision.

40 § 168. Subdivisions 1 and 5 of section 139 of the correction law,
41 subdivision 1 as amended by chapter 867 of the laws of 1975 and subdivi-
42 sion 5 as added by chapter 373 of the laws of 1990, are amended to read
43 as follows:

44 1. The commissioner shall establish, in each correctional institution
45 under his or her jurisdiction, grievance resolution committees to
46 resolve grievances of persons within such correctional institution.
47 Such grievance resolution committees shall consist of five persons four
48 of whom shall be entitled to vote, two of whom shall be [~~inmates~~] incar-
49 cerated individuals of such correctional institution, and a non-voting
50 chairman.

51 5. The commissioner shall semi-annually report to the chairmen of the
52 senate codes and crime and corrections committees and the assembly codes
53 and correction committees on the nature and type of [~~inmate~~] incarcerat-
54 ed individual grievances and unusual incidents, by facility.

1 § 169. Subdivisions 1, 3 and 4 of section 140 of the correction law,
2 as added by chapter 516 of the laws of 1995, are amended to read as
3 follows:

4 1. Where an [~~inmate~~] incarcerated individual who is not yet eighteen
5 years of age has been committed or transferred to the custody of the
6 department and no medical consent has been obtained prior to commitment
7 or transfer, the commitment order shall be deemed to grant to the minor
8 the capacity to consent to routine medical, dental and mental health
9 services and treatment to such an individual.

10 3. (a) At any time prior to the date the [~~inmate~~] incarcerated indi-
11 vidual becomes eighteen years of age, the [~~inmate's~~] incarcerated indi-
12 vidual's parent or legal guardian may institute legal proceedings pursu-
13 ant to section 70.20 of the penal law objecting to the provision of
14 routine medical, dental or mental health services and treatment being
15 provided to the [~~inmate~~] incarcerated individual.

16 (b) Such notice of motion shall be served on the [~~inmate~~] incarcerated
17 individual, the facility and the department not less than seven days
18 prior to the return date of the motion. The persons on whom the notice
19 of motion is served shall answer the motion not less than two days
20 before the return date. On examining the motion and answer and, in its
21 discretion, after hearing argument, the court shall enter an order,
22 granting or denying the motion.

23 4. Nothing in this section shall preclude an [~~inmate~~] incarcerated
24 individual from consenting on his or her own behalf to any medical,
25 dental or mental health service and treatment where otherwise authorized
26 by law to do so.

27 § 170. Section 141 of the correction law, as amended by chapter 476 of
28 the laws of 1970, is amended to read as follows:

29 § 141. Contagious disease in facility. In case any pestilence or
30 contagious disease shall break out among the [~~inmates~~] incarcerated
31 individuals in any of the correctional facilities, or in the vicinity of
32 such facilities, the commissioner of correction may cause the [~~inmates~~]
33 incarcerated individuals confined in such facility, or any of them, to
34 be removed to some suitable place of security, where such of them as may
35 be sick shall receive all necessary care and medical assistance; such
36 [~~inmates~~] incarcerated individuals shall be returned as soon as may be
37 feasible to the facility from which they were taken, to be confined
38 therein according to their respective sentences.

39 § 171. Section 142 of the correction law, as amended by chapter 476 of
40 the laws of 1970, is amended to read as follows:

41 § 142. Fire in facility. Whenever by reason of any correctional
42 facility, or any building contiguous to such facility, being on fire,
43 there shall be reason to apprehend that the [~~inmates~~] incarcerated indi-
44 viduals may be injured or endangered by such fire, or may escape, it
45 shall be the duty of the superintendent of such facility to remove such
46 [~~inmates~~] incarcerated individuals to some safe and convenient place,
47 and there confine them until the necessity of such removal shall have
48 ceased.

49 § 172. Section 143 of the correction law, as added by chapter 476 of
50 the laws of 1970, is amended to read as follows:

51 § 143. Custody of persons convicted of crimes against the United
52 States. The commissioner is authorized to enter into agreements for the
53 care and custody of persons convicted and sentenced to imprisonment by
54 the United States courts in this state. Persons may be confined in
55 correctional facilities pursuant to any such agreement and all
56 provisions of law applicable to the care and custody of [~~inmates~~] incar-

1 cerated individuals sentenced by courts of this state, except provisions
2 governing the duration of sentence and other related incidents of the
3 sentence provided by federal law, shall apply to the care and custody of
4 such persons.

5 § 173. Section 146 of the correction law, as amended by section 3 of
6 part E of chapter 56 of the laws of 2005, subdivision 1 as amended by
7 chapter 234 of the laws of 2013, is amended to read as follows:

8 § 146. Persons authorized to visit correctional facilities. 1. The
9 following persons shall be authorized to visit at pleasure all correc-
10 tional facilities: The governor and lieutenant-governor, commissioner of
11 general services, secretary of state, comptroller and attorney-general,
12 members of the commission of correction, members of the legislature and
13 any employee of the department as requested by the member of the legis-
14 lature if the member requests to be so accompanied, provided that such
15 request does not impact upon the department's ability to supervise,
16 manage and control its facilities as determined by the commissioner,
17 judges of the court of appeals, supreme court and county judges,
18 district attorneys and every clergyman or minister, as such terms are
19 defined in section two of the religious corporations law, having charge
20 of a congregation in the county wherein any such facility is situated.
21 No other person not otherwise authorized by law shall be permitted to
22 enter a correctional facility except by authority of the commissioner of
23 correction under such regulations as the commissioner shall prescribe.
24 The provisions of this section shall not apply to such portion of a
25 correctional facility in which [~~inmates~~] incarcerated individuals under
26 sentence of death are confined.

27 2. Notwithstanding any other provision of law to the contrary, on each
28 September thirteenth anniversary date of the nineteen hundred seventy-
29 one retaking of Attica correctional facility, in the absence of an emer-
30 gency situation or other exigent circumstance, the commissioner shall
31 ensure that any surviving state employees who were held as hostages and
32 any immediate family members, as that term is defined in subdivision
33 four of section 120.40 of the penal law, of any of the state employees
34 who were held hostage for any period by rioting [~~inmates~~] incarcerated
35 individuals during the period from September ninth through September
36 thirteenth, nineteen hundred seventy-one, shall be afforded access to
37 the outside grounds of Attica correctional facility to conduct a private
38 commemorative ceremony in front of the Attica monument upon which are
39 inscribed the names of employees who died as a result of the uprising
40 and subsequent retaking.

41 § 174. Section 147 of the correction law, as amended by chapter 476 of
42 the laws of 1970, is amended to read as follows:

43 § 147. Alien [~~inmates~~] incarcerated individuals of correctional facil-
44 ities. The commissioner shall within three months after admission of an
45 alien [~~inmate~~] incarcerated individual to a correctional facility cause
46 an investigation to be made of the record and past history of such alien
47 and shall upon the termination of such investigation cause the record of
48 such alien, together with all facts disclosed by such investigation, and
49 his or her recommendations as to deportation, to be forwarded to the
50 United States immigration authorities having such matters in charge.

51 § 175. Section 148 of the correction law, as amended by section 17 of
52 subpart B of part C of chapter 62 of the laws of 2011, is amended to
53 read as follows:

54 § 148. Psychiatric and diagnostic clinics. The commissioner of
55 corrections and community supervision is hereby authorized and directed
56 to assist and cooperate with the commissioner of mental health in the

1 establishment and conduct of such psychiatric and diagnostic clinics in
2 the institutions and facilities under their jurisdiction as such commis-
3 sioners may deem necessary within the amount appropriated therefor. The
4 persons conducting the work of such clinics shall determine the physical
5 and mental condition of all [~~inmates~~] incarcerated individuals serving
6 an indeterminate term, having a minimum of one day and a maximum of
7 natural life, and of such other [~~inmates~~] incarcerated individuals whose
8 criminal record, behavior or other factors indicate to those in charge
9 of such clinics the need of study and treatment. The work of the clinics
10 shall include scientific study and psychiatric evaluation of each such
11 [~~inmate~~] incarcerated individual, including his or her career and life
12 history, investigation of the cause of the crime and recommendations for
13 the care, training and employment of such [~~inmates~~] incarcerated indi-
14 viduals with a view to their reformation and to the protection of socie-
15 ty. Each of the different phases of the work of the clinics shall be so
16 coordinated with all the other phases of clinic work as to be a part of
17 a unified and comprehensive scheme in the study and treatment of such
18 [~~inmates~~] incarcerated individuals. After classification in the clinics
19 the [~~inmate~~] incarcerated individual sentenced to state prison shall be
20 certified to the warden and recommendation made to the commissioner of
21 corrections and community supervision as to their disposition.

22 § 176. Section 149 of the correction law, as amended by chapter 302 of
23 the laws of 2008, is amended to read as follows:

24 § 149. Released [~~inmates~~] incarcerated individuals; notification to
25 sheriff, police, and district attorney. In the case of any [~~inmate~~]
26 incarcerated individual convicted of a felony, it shall be the duty of
27 the department at least forty-eight hours prior to the release of any
28 such [~~inmate~~] incarcerated individual from a correctional facility to
29 notify the chief of police both of the city, town or village in which
30 such [~~inmate~~] incarcerated individual proposes to reside and of the
31 city, town or village in which such [~~inmate~~] incarcerated individual
32 resided at the time of his or her conviction and the district attorney
33 of the county where the offense for which the [~~inmate~~] incarcerated
34 individual is incarcerated was prosecuted, of the contemplated release
35 of such [~~inmate~~] incarcerated individual, informing such chief of police
36 and the district attorney of the name and aliases of the [~~inmate~~] incar-
37 cerated individual, the address at which he or she proposes to reside,
38 the amount of time remaining to be served, if any, on the full term for
39 which he or she was sentenced, and the nature of the crime for which he
40 or she was sentenced, transmitting at the same time to the chief of
41 police a copy of such [~~inmate's~~] incarcerated individual's fingerprints
42 and photograph. Where such [~~inmate~~] incarcerated individual proposes to
43 reside outside of a city, such notification shall be sent to the sheriff
44 of the county in which such [~~inmate~~] incarcerated individual proposes to
45 reside. Such notification may be provided by electronic transmission to
46 those willing jurisdictions that have the capability of receiving elec-
47 tronic transmission notification. Any chief of police or sheriff who
48 receives notification of a released [~~inmate~~] incarcerated individual
49 pursuant to this section may request and receive from the division of
50 criminal justice services a report containing a summary of such
51 [~~inmate's~~] incarcerated individual's criminal record.

52 § 177. Section 170 of the correction law, as amended by chapter 166 of
53 the laws of 1991, subdivision 1 as amended by chapter 371 of the laws of
54 2012 and subdivision 3 as added by chapter 256 of the laws of 2010, is
55 amended to read as follows:

1 § 170. Contracts prohibited. 1. The commissioner shall not, nor shall
2 any other authority whatsoever, make any contract by which the labor or
3 time of any [~~inmate~~] incarcerated individual in any state or local
4 correctional facility in this state, or the product or profit of his or
5 her work, shall be contracted, let, farmed out, given or sold to any
6 person, firm, association or corporation; except that the [~~inmates~~]
7 incarcerated individuals in said correctional institutions may work for,
8 and the products of their labor may be disposed of to, the state or any
9 political subdivision thereof, any public institution owned or managed
10 and controlled by the state, or any political subdivision thereof,
11 provided that no [~~inmate~~] incarcerated individual shall be employed or
12 assigned to engage in any activity that involves obtaining access to,
13 collecting or processing social security account numbers of other indi-
14 viduals.

15 2. Notwithstanding any other provision of law, it shall be lawful for
16 an [~~inmate~~] incarcerated individual of the department to work in an
17 institution of the department in the manufacture and production of
18 goods, including but not limited to, license plates, identification
19 plates and insignia for vehicles, and for the department to sell or
20 otherwise dispose of for profit such goods to the government of the
21 United States or to any state of the United States, or political subdi-
22 vision thereof, or any public corporation or eleemosynary association or
23 corporation funded in whole or in part by any federal, state or local
24 funds.

25 3. Notwithstanding any other provision of law, an [~~inmate~~] incarcerat-
26 ed individual may be permitted to leave the institution under guard to
27 voluntarily perform work for a nonprofit organization. As used in this
28 section, the term "nonprofit organization" means an organization oper-
29 ated exclusively for religious, charitable, or educational purposes, no
30 part of the net earnings of which inures to the benefit of any private
31 shareholder or individual.

32 § 178. The section heading and subdivision 1 of section 171 of the
33 correction law, the section heading as amended by chapter 364 of the
34 laws of 1983 and subdivision 1 as amended by section 24 of subpart A of
35 part C of chapter 62 of the laws of 2011, are amended to read as
36 follows:

37 [~~Inmates~~] Incarcerated individuals to be employed; products of labor
38 of [~~inmates~~] incarcerated individuals. 1. The commissioner and the
39 superintendents and officials of all penitentiaries in the state may
40 cause [~~inmates~~] incarcerated individuals in the state correctional
41 facilities and such penitentiaries who are physically capable thereof to
42 be employed for not to exceed eight hours of each day other than Sundays
43 and public holidays. Notwithstanding any other provision of this
44 section, however, the commissioner and superintendents of state correc-
45 tional facilities may employ [~~inmates~~] incarcerated individuals on a
46 volunteer basis on Sundays and public holidays in specialized areas of
47 the facility, including kitchen areas, vehicular garages, rubbish pickup
48 and grounds maintenance, providing, however, that [~~inmates~~] incarcerated
49 individuals so employed shall be allowed an alternative free day within
50 the normal work week.

51 § 179. The section heading and subdivisions 1, 2, 3, 4 and 6 of
52 section 177 of the correction law, the section heading and subdivisions
53 1, 2 and 4 as amended by chapter 166 of the laws of 1991, subdivision 3
54 as amended by section 25 of subpart A of part C of chapter 62 of the
55 laws of 2011 and subdivision 6 as added by chapter 256 of the laws of
56 2010, are amended to read as follows:

1 Labor of [~~inmates~~] incarcerated individuals in state and local correc-
2 tional facilities. 1. The labor of [~~inmates~~] incarcerated individuals
3 in the state correctional facilities, after the necessary labor for and
4 manufacture of all needed supplies for said institutions, shall be
5 primarily devoted to the state, the public buildings and institutions
6 thereof, and the manufacture of supplies for the state, and public
7 institutions thereof, and secondly to the political subdivisions of the
8 state, and public institutions thereof;

9 2. The labor of [~~inmates~~] incarcerated individuals in local correc-
10 tional facilities after the necessary labor for and manufacture of all
11 needed supplies for the same, shall be primarily devoted to the coun-
12 ties, respectively, in which said local correctional facilities are
13 located, and the towns, cities and villages therein, and to the manufac-
14 ture of supplies for the public institutions of the counties, or the
15 political subdivisions thereof, and secondly to the state and the public
16 institutions thereof;

17 3. However, for the purpose of distributing, marketing or sale of the
18 whole or any part of the product of any correctional facility in the
19 state, other than by said state correctional facilities, to the state or
20 to any political subdivisions thereof or to any public institutions
21 owned or managed and controlled by the state, or by any political subdi-
22 visions thereof, or to any public corporation, authority, or eleemosy-
23 nary association funded in whole or in part by any federal, state or
24 local funds, the sheriff of any such local correctional facility and the
25 commissioner of corrections and community supervision may enter into a
26 contract or contracts which may determine the kinds and qualities of
27 articles to be produced by such institution and the method of distrib-
28 ution and sale thereof by the commissioner of corrections and community
29 supervision or under his or her direction, either in separate lots or in
30 combination with the products of other such institutions and with the
31 products produced by [~~inmates~~] incarcerated individuals in state correc-
32 tional facilities. Such contracts may fix and determine any and all
33 terms and conditions for the disposition of such products and the dispo-
34 sition of proceeds of sale thereof and any and all other terms and
35 conditions as may be agreed upon, not inconsistent with the constitu-
36 tion. However, no such contract shall be for a period of more than one
37 year and any prices fixed by such contract shall be the prices estab-
38 lished pursuant to section one hundred eighty-six of this article for
39 like articles or shall be approved by the department of corrections and
40 community supervision and the director of the budget on presentation to
41 them of a copy of such contract or proposed contract, and provided
42 further that any distribution or diversification of industries provided
43 for by such contract shall be in accordance with the rules and regu-
44 lations established by the department of corrections and community
45 supervision or shall be approved by such department on presentation to
46 it of a copy of such contract or proposed contract.

47 4. No product manufactured in whole or in part by [~~inmates~~] incarcer-
48 ated individuals in any correctional facility of the state or of a poli-
49 tical subdivision thereof, shall be sold, or otherwise disposed of for
50 profit, by any officer, or administrative body, of such institution, or
51 by any officer, or administrative body of the state, or of a political
52 subdivision thereof, except to the state itself or to a political subdi-
53 vision thereof, the government of the United States or to any state of
54 the United States, or to an officer or administrative body of the state,
55 or of a political subdivision thereof, or to or for a public institution
56 owned or managed and controlled by the state or by any political subdi-

1 vision thereof, or to a public corporation, authority, or eleemosynary
2 association funded in whole or in part by federal, state or local funds.
3 In no case shall said products be purchased for the purpose of resale or
4 for their disposition for profit in a manner not herein provided for in
5 the first instance.

6 6. Notwithstanding any other provision of law, an [~~inmate~~] inarcerat-
7 ed individual may be permitted to leave the institution under guard to
8 voluntarily perform work for a nonprofit organization. As used in this
9 section, the term "nonprofit organization" means an organization oper-
10 ated exclusively for religious, charitable, or educational purposes, no
11 part of the net earnings of which inures to the benefit of any private
12 shareholder or individual.

13 § 180. Section 178 of the correction law, as added by chapter 476 of
14 the laws of 1970, is amended to read as follows:

15 § 178. Participation in work release and other community activities.
16 Nothing contained in this article shall be construed or applied so as to
17 prohibit private employment of [~~inmates~~] inarcerated individuals in the
18 community under a work release program, or a residential treatment
19 facility program formulated pursuant to any provision of this chapter.

20 § 181. Section 184 of the correction law, as amended by chapter 166 of
21 the laws of 1991, subdivision 1 as amended by section 21 of subpart B of
22 part C of chapter 62 of the laws of 2011 and subdivision 2 as amended by
23 section 27 of subpart A of part C of chapter 62 of the laws of 2011, is
24 amended to read as follows:

25 § 184. Articles manufactured to be furnished to the state or subdivi-
26 sions thereof. 1. The commissioner is authorized and directed to cause
27 to be manufactured or prepared by the [~~inmates~~] inarcerated individuals
28 in the state correctional facilities, such articles as are needed and
29 used therein, and also, such articles as are required by the state or
30 political subdivisions thereof, and in the buildings, offices and public
31 institutions owned or managed and controlled by the state, including
32 articles and materials to be used in the erection of the buildings, and
33 including material for the construction, improvement or repair of high-
34 ways, streets and roads.

35 2. All such articles manufactured or prepared in the state correction-
36 al facilities, or by [~~inmates~~] inarcerated individuals, and not
37 required for use therein, shall be of the styles, patterns, designs and
38 qualities fixed by the department of corrections and community super-
39 vision, except where the same have been or may be fixed by the office of
40 general services in the executive department. Such articles may be
41 furnished to the state, or to any political subdivision thereof, or for
42 or to any public institution owned or managed and controlled by the
43 state, or any political subdivision thereof, government of the United
44 States or to any state of the United States or subdivision thereof or to
45 any public corporation, authority, or eleemosynary association funded in
46 whole or in part by any federal, state or local funds, at and for such
47 prices as shall be fixed and determined as hereinafter provided, upon
48 the requisitions of the proper officials thereof. No article so manufac-
49 tured or prepared shall be purchased from any other source, for the
50 state or public institutions of the state, or the political subdivisions
51 thereof, or public benefit corporations, authorities or commissions,
52 unless the commissioner of corrections and community supervision shall
53 certify that the same can not be furnished upon such requisition, and no
54 claim therefor shall be audited or paid without such certificate.

1 § 182. Section 187 of the correction law, as amended by section 30 of
2 subpart A of part C of chapter 62 of the laws of 2011, is amended to
3 read as follows:

4 § 187. Earnings of [~~inmates~~] incarcerated individuals. 1. Every
5 [~~inmate~~] incarcerated individual confined in a state correctional facil-
6 ity, subject to the rules and regulations of the department of
7 corrections and community supervision, and every [~~inmate~~] incarcerated
8 individual confined in a local correctional facility, in the discretion
9 of the sheriff thereof, may receive compensation for work performed
10 during his or her imprisonment. Such compensation shall be graded by the
11 department of corrections and community supervision with regard to
12 [~~inmates~~] incarcerated individuals employed in prison industries, based
13 upon the work performed by such prisoners for prisoners confined in
14 state correctional facilities, and by the sheriffs in all local correc-
15 tional facilities for [~~inmates~~] incarcerated individuals confined there-
16 in.

17 2. The department of corrections and community supervision shall adopt
18 rules, subject to the approval of the director of the budget, for estab-
19 lishing in all of the state correctional facilities a system of compen-
20 sation for the [~~inmates~~] incarcerated individuals confined therein. Such
21 rules shall provide for the payment of compensation to each [~~inmate~~]
22 incarcerated individual, who shall meet the requirements established by
23 the department of corrections and community supervision, based upon the
24 work performed by such [~~inmates~~] incarcerated individuals.

25 3. The department shall prepare graded wage schedules for [~~inmates~~]
26 incarcerated individuals, which schedules shall be based upon classi-
27 fications according to the value of work performed by each. Such sched-
28 ules need not be uniform in all institutions. The rules of the depart-
29 ment shall also provide for the establishment of a credit system for
30 each [~~inmate~~] incarcerated individual and the manner in which such earn-
31 ings shall be paid to the [~~inmate~~] incarcerated individual or his or her
32 dependents or held in trust for him or her until his or her release.

33 4. Any compensation paid to an [~~inmate~~] incarcerated individual under
34 this article shall be based on the work performed by such [~~inmate~~]
35 incarcerated individual. Compensation may be paid from moneys appropri-
36 ated to the department and available to facilities for nonpersonal
37 service.

38 § 183. Section 197 of the correction law, as added by chapter 831 of
39 the laws of 1959, is amended to read as follows:

40 § 197. Occupational therapy. Nothing in this article contained shall
41 be deemed to apply to occupational therapy in any penal or correctional
42 institution, or to prohibit the sale of the products resulting there-
43 from. Such sale and the disposition of the proceeds thereof shall be
44 governed by rules and regulations of the head of the department or other
45 like governmental authority having jurisdiction. For the purpose of this
46 section, occupational therapy is defined as any activity in the nature
47 of individual art or handicraft, prescribed, guided or supervised for
48 the purpose of contributing to the welfare or rehabilitation of any
49 [~~inmate~~] incarcerated individual or [~~inmates~~] incarcerated individuals
50 of such institutions.

51 § 184. Section 198 of the correction law, as amended by section 31 of
52 subpart A of part C of chapter 62 of the laws of 2011, is amended to
53 read as follows:

54 § 198. [~~Inmate~~] Incarcerated individual occupational therapy fund. 1.
55 The commissioner of corrections and community supervision may authorize
56 the superintendent or director of any correctional institution to estab-

1 lish an [~~inmate~~] inarcerated individual occupational therapy fund for
2 the receipt of proceeds from a product sold, as authorized by section
3 one hundred ninety-seven of this article, by one or more [~~inmates~~]
4 inarcerated individuals as incident to an avocational or vocational
5 project approved by the commissioner, including but not limited to, art,
6 music, drama, handicraft, or sports.

7 2. Pursuant to rules, regulations or directions of the commissioner,
8 moneys of the fund may: (a) be made available to the superintendent or
9 director to be used for the general benefit of the [~~inmates~~] inarcerat-
10 ed individuals of the correctional institution wherein the product was
11 produced, including but not limited to, furnishing materials and
12 supplies to an [~~inmate~~] inarcerated individual or [~~inmates~~] inarcerat-
13 ed individuals for an avocational or vocational project and the trans-
14 porting of a product thereof for sale, display or otherwise and for
15 recreational activities; or (b) be disbursed as follows: (i) an amount
16 equal to the proceeds from the sale of a product produced by one
17 [~~inmate~~] inarcerated individual may be deposited to the account of such
18 [~~inmate~~] inarcerated individual pursuant to section one hundred sixteen
19 of this chapter; or (ii) an amount equal to the proceeds from the sale
20 of a product produced by two or more [~~inmates~~] inarcerated individuals
21 may be divided equally among such [~~inmates~~] inarcerated individuals and
22 deposited to their respective accounts pursuant to section one hundred
23 sixteen of this chapter.

24 3. In determining the amount of the proceeds from a sale of a product
25 that may be deposited to the account of an [~~inmate~~] inarcerated indi-
26 vidual, the commissioner may provide for the deduction from the sum of
27 the proceeds the reasonable expenses of the department of corrections
28 and community supervision incident to the sale, including but not limit-
29 ed to, the value of materials and supplies for the production of the
30 product supplied without financial charge to the [~~inmate~~] inarcerated
31 individual and the expenses of transporting the product for sale or
32 display or otherwise.

33 § 185. Subdivisions 1, 2, 3 and 4 of section 200 of the correction
34 law, subdivisions 1 and 2 as amended by chapter 301 of the laws of 1996,
35 and subdivisions 3 and 4 as added by chapter 536 of the laws of 1974,
36 are amended to read as follows:

37 1. For the purpose of this section the term "incentive allowance"
38 means monies allowed an [~~inmate~~] inarcerated individual of a state
39 correctional institution for the efficient and willing performance of
40 duties assigned or progress and achievement in educational, career and
41 industrial training programs.

42 2. In lieu of the system of labor in correctional institutions estab-
43 lished by this article, the commissioner may, in order to facilitate an
44 [~~inmate's~~] inarcerated individual's eventual reintegration into socie-
45 ty, establish for the [~~inmates~~] inarcerated individuals in one or more
46 state correctional institutions a system of educational, career and
47 industrial training programs, and of incentive allowances for each such
48 program.

49 3. For each institution wherein such system is established the commis-
50 sioner shall prepare, and may at times revise, graded incentive allow-
51 ance schedules for the [~~inmates~~] inarcerated individuals within each
52 such program based upon the levels of performance and achievement by an
53 [~~inmate~~] inarcerated individual in a program to which he or she has
54 been assigned. Upon the approval of the director of the budget such
55 schedules or revisions thereof may be promulgated.

1 4. The commissioner shall also provide for the establishment of a
2 credit system for each [~~inmate~~] incarcerated individual and the manner
3 in which incentive allowances shall be paid to the [~~inmate~~] incarcerated
4 individual or his or her dependents or held in trust for him or her
5 until his or her release. The amount of incentive allowed to the credit
6 of any [~~inmate~~] incarcerated individual shall be disposed of as provided
7 by section one hundred eighty-nine of this article.

8 § 186. Subdivisions 2, 3, 5 and 6 of section 201 of the correction
9 law, as added by section 32 of subpart A of part C of chapter 62 of the
10 laws of 2011, are amended to read as follows:

11 2. In accordance with the provisions of this chapter, the department
12 shall supervise [~~inmates~~] incarcerated individuals released to community
13 supervision, except that the department may consent to the supervision
14 of a released [~~inmate~~] incarcerated individual by the United States
15 parole commission pursuant to the witness security act of nineteen
16 hundred eighty-four.

17 3. To facilitate the supervision of all [~~inmates~~] incarcerated indi-
18 viduals released to community supervision, the commissioner shall
19 consider the implementation of a program of graduated sanctions, includ-
20 ing but not limited to the utilization of a risk and needs assessment
21 instrument that would be administered to all [~~inmates~~] incarcerated
22 individuals eligible for community supervision. Such a program would
23 include various components including approaches that concentrate super-
24 vision on new releases, alternatives to incarceration for technical
25 parole violators and the use of enhanced technologies.

26 5. The department shall assist [~~inmates~~] incarcerated individuals
27 eligible for community supervision and [~~inmates~~] incarcerated individ-
28 uals who are on community supervision to secure employment, educational
29 or vocational training, and housing.

30 6. The department shall have the duty to provide written notice to
31 [~~inmates~~] incarcerated individuals prior to release to community super-
32 vision or pursuant to subdivision six of section 410.91 of the criminal
33 procedure law of any requirement to report to the office of victim
34 services any funds of a convicted person as defined in section six
35 hundred thirty-two-a of the executive law, the procedure for such
36 reporting and any potential penalty for a failure to comply.

37 § 187. Subdivision 2 of section 203 of the correction law, as added by
38 section 32 of subpart A of part C of chapter 62 of the laws of 2011, is
39 amended to read as follows:

40 2. The department shall have the duty, prior to the release to commu-
41 nity supervision of an [~~inmate~~] incarcerated individual designated a
42 level two or three sex offender pursuant to the sex offender registra-
43 tion act, to provide notification to the local social services district
44 in the county in which the [~~inmate~~] incarcerated individual expects to
45 reside, when information available or any other pre-release procedures
46 indicates that such [~~inmate~~] incarcerated individual is likely to seek
47 to access local social services for homeless persons. The department
48 shall provide such notice, when practicable, thirty days or more before
49 such [~~inmate's~~] incarcerated individual's release, but in any event, in
50 advance of such [~~inmate's~~] incarcerated individual's arrival in the
51 jurisdiction of such local social services district.

52 § 188. Section 207 of the correction law, as added by section 32 of
53 subpart A of part C of chapter 62 of the laws of 2011, is amended to
54 read as follows:

55 § 207. Cooperation. It shall be the duty of the commissioner of
56 corrections and community supervision to insure that all officers and

1 employees of the department shall at all times cooperate with the board
2 of parole and shall furnish to such members and employees of the board
3 of parole such information as may be appropriate to enable them to
4 perform their independent decision making functions. It is also his or
5 her duty to ensure that the functions of the board of parole are not
6 hampered in any way, including but not limited to: a restriction of
7 resources including staff assistance; limited access to vital informa-
8 tion; and presentation of [~~inmate~~] incarcerated individual information
9 in a manner that may inappropriately influence the board in its decision
10 making.

11 § 189. Subdivision 2 of section 272 of the correction law, as added by
12 section 1 of part SS of chapter 56 of the laws of 2009, is amended to
13 read as follows:

14 2. have the power to determine, as each [~~inmate~~] incarcerated individ-
15 ual applies for conditional release, the need for supplemental investi-
16 gation of the background of such [~~inmate~~] incarcerated individual and
17 cause such investigation as may be necessary to be made as soon as prac-
18 ticable. The commission may require that the probation department
19 located in the jurisdiction of the commission conduct such supplemental
20 investigation. The results of such investigation together with all other
21 information compiled by the local correctional facility and the complete
22 criminal record and family court record of such [~~inmate~~] incarcerated
23 individual shall be readily available when the conditional release of
24 such [~~inmate~~] incarcerated individual is being considered. Such informa-
25 tion shall include a complete statement of the crime for which the
26 [~~inmate~~] incarcerated individual has been sentenced, the circumstances
27 of such crime, all presentence memoranda, the nature of the sentence,
28 the court in which such [~~inmate~~] incarcerated individual was sentenced,
29 the name of the judge and district attorney and copies of such probation
30 reports as may have been made as well as reports as to the [~~inmate's~~]
31 incarcerated individual's social, physical, mental and psychiatric
32 condition and history;

33 § 190. The opening paragraph and paragraph (a) of subdivision 1 and
34 subdivisions 2 and 6 of section 273 of the correction law, as added by
35 section 1 of part SS of chapter 56 of the laws of 2009, are amended to
36 read as follows:

37 Any [~~inmate~~] incarcerated individual who is eligible for conditional
38 release by a commission pursuant to subdivision two of section 70.40 of
39 the penal law and who has served a minimum period of sixty days in a
40 local correctional facility may apply for conditional release. Eligibil-
41 ity criteria shall be limited to [~~inmates~~] incarcerated individuals:

42 (a) who have not been previously convicted and who do not stand
43 convicted of any crime which would make such [~~inmate~~] incarcerated indi-
44 vidual ineligible for the receipt of merit time pursuant to section
45 eight hundred three of this chapter, any crime pursuant to article two
46 hundred thirty-five of the penal law when the victim of such offense was
47 under the age of eighteen at the time of the offense, or any crime which
48 the commission determines constituted a crime of domestic violence;

49 2. The commission shall review and make a determination on each appli-
50 cation within thirty days of receipt of such application. No determi-
51 nation granting or denying such application shall be valid unless made
52 by a majority vote of at least three commission members present. No
53 release shall be granted unless there is a reasonable probability that,
54 if such [~~inmate~~] incarcerated individual is released, he or she shall
55 live and remain at liberty without violating the law, and that his or
56 her release is not incompatible with the welfare of society and shall

1 not so deprecate the seriousness of his or her crime as to undermine
2 respect for law.

3 6. If conditional release is not granted, the commission shall inform
4 the person in writing of the factors and reasons for such denial of
5 conditional release within fifteen days of the decision. Such reasons
6 shall be given in detail and not in conclusory terms. [~~Inmates~~] Incar-
7 cerated individuals denied conditional release are eligible to reapply
8 sixty days after the date of the denial.

9 § 191. The article heading of article 16 of the correction law, as
10 added by chapter 766 of the laws of 1976, is amended to read as follows:

11 PROVISIONS RELATING TO MENTALLY ILL [~~INMATES~~] INCARCERATED
12 INDIVIDUALS

13 § 192. Subdivisions 1, 2, 3 and 5 of section 400 of the correction
14 law, subdivisions 1, 2 and 3 as added by chapter 766 of the laws of 1976
15 and subdivision 5 as amended by section 35 of subpart A of part C of
16 chapter 62 of the laws of 2011, are amended to read as follows:

17 (1) "Examining physician" means a physician licensed to practice medi-
18 cine in the state of New York, but who is not on the staff of the facil-
19 ity where the [~~inmate~~] incarcerated individual is confined.

20 (2) "Hospital" means a hospital in the department of mental hygiene
21 which is designated as such by the commissioner of mental hygiene for
22 the care and treatment of mentally ill [~~inmates~~] incarcerated individ-
23 uals.

24 (3) "In immediate need of care and treatment" means that the [~~inmate~~]
25 incarcerated individual is apparently mentally ill and is not able to be
26 properly cared for at the place where he or she is confined and is in
27 need of immediate care and treatment in a hospital.

28 (5) "[~~Inmate~~] Incarcerated individual" means a person committed to the
29 custody of the department of corrections and community supervision, or a
30 person convicted of a crime and committed to the custody of the sheriff,
31 the county jail, or a local department of correction.

32 § 193. Section 401 of the correction law, as amended by chapter 1 of
33 the laws of 2008, subdivision 6 as amended by chapter 20 of the laws of
34 2016, is amended to read as follows:

35 § 401. Establishment of programs inside correctional facilities. 1.
36 The commissioner, in cooperation with the commissioner of mental health,
37 shall establish programs, including but not limited to residential
38 mental health treatment units, in such correctional facilities as he or
39 she may deem appropriate for the treatment of mentally ill [~~inmates~~]
40 incarcerated individuals confined in state correctional facilities who
41 are in need of psychiatric services but who do not require hospitaliza-
42 tion for the treatment of mental illness. [~~Inmates~~] Incarcerated indi-
43 viduals with serious mental illness shall receive therapy and program-
44 ming in settings that are appropriate to their clinical needs while
45 maintaining the safety and security of the facility. The administration
46 and operation of programs established pursuant to this section shall be
47 the joint responsibility of the commissioner of mental health and the
48 commissioner. The professional mental health care personnel, and their
49 administrative and support staff, for such programs shall be employees
50 of the office of mental health. All other personnel shall be employees
51 of the department.

52 2. (a) (i) In exceptional circumstances, a mental health clinician, or
53 the highest ranking facility security supervisor in consultation with a
54 mental health clinician who has interviewed the [~~inmate~~] incarcerated
55 individual, may determine that an [~~inmate's~~] incarcerated individual's
56 access to out-of-cell therapeutic programming and/or mental health

1 treatment in a residential mental health treatment unit presents an
2 unacceptable risk to the safety of [~~inmates~~] incarcerated individuals or
3 staff. Such determination shall be documented in writing and alternative
4 mental health treatment and/or other therapeutic programming, as deter-
5 mined by a mental health clinician, shall be provided.

6 (ii) Any determination to restrict out-of-cell therapeutic programming
7 and/or mental health treatment shall be reviewed at least every fourteen
8 days by the joint case management committee or, if no such committee is
9 available, by the treatment team assigned to the [~~inmate's~~] incarcerated
10 individual's residential mental health treatment unit.

11 (iii) The determination whether to restrict out-of-cell therapeutic
12 programming and/or mental health treatment shall take into account the
13 [~~inmate's~~] incarcerated individual's mental condition and any safety and
14 security concerns that would be posed by the [~~inmate's~~] incarcerated
15 individual's access to such out-of-cell therapeutic programming. The
16 joint case management committee or treatment team shall recommend that
17 the [~~inmate~~] incarcerated individual shall have access to out-of-cell
18 therapeutic programming and/or mental health treatment unless in excep-
19 tional circumstances such access would pose an unacceptable risk to the
20 safety of the [~~inmate~~] incarcerated individual or other persons. Such
21 recommendation shall be reviewed by the facility superintendent, and if
22 the superintendent makes a determination not to accept such recommenda-
23 tion, the matter shall be referred to the joint central office review
24 committee for resolution. Such resolution shall be made no later than
25 twenty-one days after the imposition of the restriction.

26 (b) [~~Inmates~~] Incarcerated individuals in a residential mental health
27 treatment unit shall receive property, services and privileges similar
28 to [~~inmates~~] incarcerated individuals confined in the general prison
29 population, provided however, the department may impose general limita-
30 tions on the quantity and type of property all [~~inmates~~] incarcerated
31 individuals on the unit are permitted to have in their cells and
32 [~~inmate~~] incarcerated individual access to programs that are more
33 restrictive than for general population [~~inmates~~] incarcerated individ-
34 uals in order to maintain security and order on the unit. Further, in
35 consultation with a mental health clinician, the department may make an
36 individual determination to impose restrictions on property, services or
37 privileges for an [~~inmate~~] incarcerated individual on the unit for ther-
38 apeutic and/or security reasons which are not inconsistent with the
39 [~~inmate's~~] incarcerated individual's mental health needs. If any such
40 restrictions on property, services or privileges are imposed on a
41 particular [~~inmate~~] incarcerated individual, they shall be documented in
42 writing and shall be reviewed by the joint case management committee not
43 less than every thirty days. A disciplinary sanction of restricted diet
44 shall not be imposed on any [~~inmate~~] incarcerated individual who is
45 housed in a residential mental health treatment unit.

46 3. Misbehavior reports will not be issued to [~~inmates~~] incarcerated
47 individuals with serious mental illness for refusing treatment or medi-
48 cation, however, an [~~inmate~~] incarcerated individual may be subject to
49 the disciplinary process for refusing to go to the location where treat-
50 ment is provided or medication is dispensed. In addition, there will be
51 a presumption against imposition and pursuit of disciplinary charges for
52 self-harming behavior and threats of self-harming behavior, including
53 related charges for the same behaviors, such as destruction of state
54 property, except in exceptional circumstances.

55 4. A disciplinary sanction imposed on an [~~inmate~~] incarcerated indi-
56 vidual requiring confinement to a cell or room shall continue to run

1 while the [~~inmate~~] incarcerated individual is placed in residential
2 mental health treatment in a residential mental health unit model or a
3 behavioral health unit model. Such disciplinary sanction shall be
4 reviewed by the joint case management committee or, if no such committee
5 is available, by the treatment team assigned to the [~~inmate's~~] incarcer-
6 ated individual's residential mental health treatment unit at least once
7 every three months to determine whether based upon the [~~inmate's~~] incar-
8 cerated individual's mental health status and safety and security
9 concerns, the [~~inmate's~~] incarcerated individual's disciplinary sanction
10 should be reduced and/or the [~~inmate~~] incarcerated individual should be
11 transferred to a less restrictive setting. Nothing in this subdivision
12 shall be deemed to preclude the department from granting reductions of
13 disciplinary sanctions to [~~inmates~~] incarcerated individuals in other
14 residential mental health treatment unit models.

15 5. (a) An [~~inmate~~] incarcerated individual in a residential mental
16 health treatment unit shall not be sanctioned with segregated confine-
17 ment for misconduct on the unit, or removed from the unit and placed in
18 segregated confinement, except in exceptional circumstances where such
19 [~~inmate's~~] incarcerated individual's conduct poses a significant and
20 unreasonable risk to the safety of [~~inmates~~] incarcerated individuals or
21 staff, or to the security of the facility. Further, in the event that
22 such a sanction is imposed, an [~~inmate~~] incarcerated individual shall
23 not be required to begin serving such sanction until the reviews
24 required by paragraph (b) of this subdivision have been completed;
25 provided, however that in extraordinary circumstances where an
26 [~~inmate's~~] incarcerated individual's conduct poses an immediate unac-
27 ceptable threat to the safety of [~~inmates~~] incarcerated individuals or
28 staff, or to the security of the facility an [~~inmate~~] incarcerated indi-
29 vidual may be immediately moved to segregated confinement. The determi-
30 nation that an immediate transfer to segregated confinement is necessary
31 shall be made by the highest ranking facility security supervisor in
32 consultation with a mental health clinician.

33 (b) The joint case management committee shall review any disciplinary
34 disposition imposing a sanction of segregated confinement at its next
35 scheduled meeting. Such review shall take into account the [~~inmate's~~] incarcerated individual's mental condition and safety and security
36 concerns. The joint case management committee may only thereafter recom-
37 mend the removal of the [~~inmate~~] incarcerated individual in exceptional
38 circumstances where the [~~inmate~~] incarcerated individual poses a signif-
39 icant and unreasonable risk to the safety of [~~inmates~~] incarcerated
40 individuals or staff or to the security of the facility. In the event
41 that the [~~inmate~~] incarcerated individual was immediately moved to
42 segregated confinement, the joint case management committee may recom-
43 mend that the [~~inmate~~] incarcerated individual continue to serve such
44 sanction only in exceptional circumstances where the [~~inmate~~] incarcer-
45 ated individual poses a significant and unreasonable risk to the safety
46 of [~~inmates~~] incarcerated individuals or staff or to the security of the
47 facility. If a determination is made that the [~~inmate~~] incarcerated
48 individual shall not be required to serve all or any part of the segre-
49 gated confinement sanction, the joint case management committee may
50 instead recommend that a less restrictive sanction should be imposed.
51 The recommendations made by the joint case management committee under
52 this paragraph shall be documented in writing and referred to the super-
53 intendent for review and if the superintendent disagrees, the matter
54 shall be referred to the joint central office review committee for a
55 final determination. The administrative process described in this para-
56

1 graph shall be completed within fourteen days. If the result of such
2 process is that an [~~inmate~~] incarcerated individual who was immediately
3 transferred to segregated confinement should be removed from segregated
4 confinement, such removal shall occur as soon as practicable, and in no
5 event longer than seventy-two hours from the completion of the adminis-
6 trative process.

7 6. The department shall ensure that the curriculum for new correction
8 officers, and other new department staff who will regularly work in
9 programs providing mental health treatment for [~~inmates~~] incarcerated
10 individuals, shall include at least eight hours of training about the
11 types and symptoms of mental illnesses, the goals of mental health
12 treatment, the prevention of suicide and training in how to effectively
13 and safely manage [~~inmates~~] incarcerated individuals with mental
14 illness. Such training may be provided by the office of mental health or
15 the justice center for the protection of people with special needs. All
16 department staff who are transferring into a residential mental health
17 treatment unit shall receive a minimum of eight additional hours of such
18 training, and eight hours of annual training as long as they work in
19 such a unit. All security, program services, mental health and medical
20 staff with direct [~~inmate~~] incarcerated individual contact shall receive
21 training each year regarding identification of, and care for, [~~inmates~~]
22 incarcerated individuals with mental illnesses. The department shall
23 provide additional training on these topics on an ongoing basis as it
24 deems appropriate.

25 § 194. Section 401-a of the correction law, as amended by section 6 of
26 part A of chapter 501 of the laws of 2012 and subdivision 1 as amended
27 by chapter 126 of the laws of 2014, is amended to read as follows:

28 § 401-a. Oversight responsibilities of the justice center for the
29 protection of people with special needs. 1. The justice center for the
30 protection of people with special needs shall be responsible for moni-
31 toring the quality of mental health care provided to [~~inmates~~] incarcer-
32 ated individuals pursuant to article twenty of the executive law. The
33 justice center shall have direct and immediate access to all areas where
34 state prisoners are housed, and to clinical and department records
35 relating to [~~inmates~~] incarcerated individuals' clinical conditions.
36 The justice center shall maintain the confidentiality of all patient-
37 specific information.

38 2. The justice center shall monitor the quality of care in residential
39 mental health treatment programs and shall ensure compliance with para-
40 graphs (d) and (e) of subdivision six of section one hundred thirty-sev-
41 en of this chapter and section four hundred one of this article. The
42 justice center may recommend to the department and the office of mental
43 health that [~~inmates~~] incarcerated individuals in segregated confinement
44 pursuant to subdivision six of section one hundred thirty-seven of this
45 chapter be evaluated for placement in a residential mental health treat-
46 ment unit. It may also recommend ways to further the goal of diverting
47 and removing [~~inmates~~] incarcerated individuals with serious mental
48 illness from segregated confinement to residential mental health treat-
49 ment units. The justice center shall include in its annual report to the
50 governor and the legislature pursuant to section five hundred sixty of
51 the executive law, a description of the state's progress in complying
52 with this article, which shall be publicly available.

53 3. The justice center shall appoint an advisory committee on psychiat-
54 ric correctional care ("committee"), which shall be composed of inde-
55 pendent mental health experts and mental health advocates, and may
56 include family members of former [~~inmates~~] incarcerated individuals with

1 serious mental illness. Such committee shall advise the justice center
2 on its oversight responsibilities pursuant to this section. The commit-
3 tee may also make recommendations to the justice center regarding
4 improvements to prison-based mental health care. Nothing in this subdi-
5 vision shall be deemed to authorize members of the committee to have
6 access to a correctional or mental hygiene facility or any part of such
7 a facility. Provided, however, newly appointed members of the advisory
8 committee shall be provided with a tour of a segregated confinement unit
9 and a residential mental health treatment unit, as selected by the
10 commissioner. Any such tour shall be arranged on a date and at a time
11 selected by the commissioner and upon such terms and conditions as are
12 within the sole discretion of the commissioner.

13 § 195. The section heading and subdivisions 1, 2, 3, 9 and 13 of
14 section 402 of the correction law, the section heading and subdivisions
15 1 and 2 as added by chapter 766 of the laws of 1976, subdivision 3 as
16 amended by chapter 789 of the laws of 1985, subdivision 9 as amended by
17 chapter 164 of the laws of 1986, and subdivision 13 as added by chapter
18 7 of the laws of 2007, are amended to read as follows:

19 Commitment of Mentally ill [~~inmates~~] incarcerated individuals. 1.
20 Whenever the physician of any correctional facility, any county peniten-
21 tiary, county jail or workhouse, any reformatory for women, or of any
22 other correctional institution, shall report in writing to the super-
23 intendent that any person undergoing a sentence of imprisonment or adju-
24 dicated to be a youthful offender or juvenile delinquent confined there-
25 in is, in his or her opinion, mentally ill, such superintendent shall
26 apply to a judge of the county court or justice of the supreme court in
27 the county to cause an examination to be made of such person by two
28 examining physicians. Such physicians shall be designated by the judge
29 to whom the application is made. Each such physician, if satisfied,
30 after a personal examination, that such [~~inmate~~] incarcerated individual
31 is mentally ill and in need of care and treatment, shall make a certif-
32 icate to such effect. Before making such certificate, however, he or she
33 shall consider alternative forms of care and treatment available during
34 confinement in such correctional facility, penitentiary, jail, reforma-
35 tory or correctional institution that might be adequate to provide for
36 such [~~inmate's~~] incarcerated individual's needs without requiring hospi-
37 talization. If the examining physician knows that the person he or she
38 is examining has been under prior treatment, he or she shall, insofar as
39 possible, consult with the physician or psychologist furnishing such
40 prior treatment prior to making his or her certificate.

41 2. In the city of New York, if the physician of a workhouse, city
42 prison, jail, penitentiary or reformatory reports in writing to the
43 superintendent of such institution that a prisoner confined therein,
44 serving a sentence of imprisonment, is in his or her opinion mentally
45 ill, the superintendent of said institution shall either transfer said
46 prisoner to Bellevue or Kings county hospital for observation as to his
47 or her mental condition by two examining physicians or shall secure two
48 examining physicians to make such examination in his institution. Each
49 such physician, if satisfied after a personal examination and observa-
50 tion that the prisoner is mentally ill and in need of care and treat-
51 ment, shall make a certificate to such effect. Before making such
52 certificate, however, he or she shall consider alternative forms of care
53 and treatment available during confinement in such correctional facili-
54 ty, penitentiary, jail, reformatory or correctional institution that
55 might be adequate to provide for such [~~inmate's~~] incarcerated individ-
56 ual's needs without requiring hospitalization. If the examining physi-

1 cian knows that the person he or she is examining has been under prior
2 treatment, he or she shall, insofar as possible, consult with the physi-
3 cian or psychologist furnishing such prior treatment prior to making his
4 or her certificate.

5 3. Upon such certificates of the examining physicians being so made,
6 it shall be delivered to the superintendent who shall thereupon apply by
7 petition forthwith to a judge of the county court or justice of the
8 supreme court in the county, annexing such certificate to his or her
9 petition, for an order committing such [~~inmate~~] incarcerated individual
10 to a hospital for the mentally ill. Upon every such application for
11 such an order of commitment, notice thereof in writing, of at least five
12 days, together with a copy of the petition, shall be served personally
13 upon the alleged mentally ill person, and in addition thereto such
14 notice and a copy of the petition shall be served upon either the wife,
15 the husband, the father or mother or other nearest relative of such
16 alleged mentally ill person, if there be any such known relative within
17 the state; and if not, such notice shall be served upon any known friend
18 of such alleged mentally ill person within the state. If there be no
19 such known relative or friend within the state, the giving of such
20 notice shall be dispensed with, but in such case the petition for the
21 commitment shall recite the reasons why service of such notice on a
22 relative or friend of the alleged mentally ill person was dispensed with
23 and, in such case, the order for commitment shall recite why service of
24 such a notice on a relative or friend of the alleged mentally ill person
25 was dispensed with. Copies of the notice, the petition and the certif-
26 icates of the examining physicians shall also be given the mental
27 hygiene legal service. The mental hygiene legal service shall inform the
28 [~~inmate~~] incarcerated individual and, in proper cases, others interested
29 in the [~~inmate's~~] incarcerated individual's welfare, of the procedures
30 for placement in a hospital and of the [~~inmate's~~] incarcerated individ-
31 ual's right to have a hearing, to have judicial review with a right to a
32 jury trial, to be represented by counsel and to seek an independent
33 medical opinion. The mental hygiene legal service shall have personal
34 access to such [~~inmate~~] incarcerated individual for such purposes.

35 9. Except as provided in subdivision two of this section pertaining to
36 prisoners confined in the city of New York, an [~~inmate~~] incarcerated
37 individual of a correctional facility or a county jail may be admitted
38 on an emergency basis to the Central New York Psychiatric Center upon
39 the certification by two examining physicians, including physicians
40 employed by the office of mental health and associated with the correc-
41 tional facility in which such [~~inmate~~] incarcerated individual is
42 confined, that the [~~inmate~~] incarcerated individual suffers from a
43 mental illness which is likely to result in serious harm to himself,
44 herself or others as defined in subdivision (a) of section 9.39 of the
45 mental hygiene law. Any person so committed shall be delivered by the
46 superintendent within a twenty-four hour period, to the director of the
47 appropriate hospital as designated in the rules and regulations of the
48 office of mental health. Upon delivery of such person to a hospital
49 operated by the office of mental health, a proceeding under this section
50 shall immediately be commenced.

51 13. Notwithstanding any provision of law to the contrary, when an
52 [~~inmate~~] incarcerated individual is being examined in anticipation of
53 his or her conditional release, release to parole supervision, or when
54 his or her sentence to a term of imprisonment expires, the provisions of
55 subdivision one of section four hundred four of this article shall be
56 applicable and such commitment shall be effectuated in accordance with

1 the provisions of article nine or ten of the mental hygiene law, as
2 appropriate.

3 § 196. Section 403 of the correction law, as added by chapter 766 of
4 the laws of 1976, is amended to read as follows:

5 § 403. Department or superintendent to provide certain records. The
6 department or superintendent shall furnish to the department of mental
7 hygiene a copy of the health and psychiatric records and a sentence
8 calculation for each [~~inmate~~] incarcerated individual placed in a hospi-
9 tal. The sentence calculation shall include the maximum expiration date
10 and tentative conditional release date and the parole eligibility or
11 release consideration hearing date. Such records shall be furnished to
12 the director of the hospital upon delivery of the [~~inmate~~] incarcerated
13 individual.

14 § 197. Section 404 of the correction law, as added by chapter 766 of
15 the laws of 1976, subdivision 1 as amended by chapter 7 of the laws of
16 2007, subdivision 3 as added by chapter 1 of the laws of 2013, and
17 subdivision 4 as added by chapter 548 of the laws of 2014, is amended to
18 read as follows:

19 § 404. Disposition of mentally ill [~~inmates~~] incarcerated individuals
20 upon release to parole, conditional release, or expiration of sentence.

21 1. Whenever an [~~inmate~~] incarcerated individual committed to a hospital
22 in the department of mental hygiene or whenever an [~~inmate~~] incarcerated
23 individual is examined in anticipation of his or her conditional
24 release, release to parole supervision, or when his or her sentence to a
25 term of imprisonment expires and such [~~inmate~~] incarcerated individual
26 shall continue to be mentally ill and in need of care and treatment at
27 the time of his or her conditional release, release to parole super-
28 vision, or when his or her sentence to a term of imprisonment expires,
29 the director of the hospital or the superintendent of a correctional
30 facility may apply for the person's admission to a hospital for the care
31 and treatment of the mentally ill in the department of mental hygiene
32 pursuant to article nine of the mental hygiene law, or alternatively,
33 the commissioner may apply for the person's admission to a secure treat-
34 ment facility pursuant to article ten of the mental hygiene law.

35 2. The director may discharge any [~~inmate~~] incarcerated individual at
36 the expiration of the term for which he or she was sentenced who is
37 still mentally ill, but who, in the opinion of the director, is reason-
38 ably safe to be at large. Such discharged [~~inmate~~] incarcerated individ-
39 ual shall be entitled to suitable clothing adapted to the season in
40 which he or she is discharged, and if it cannot be otherwise obtained,
41 the business officer, or other officer having like duties shall, upon
42 the order of the director, or of the commissioner of mental hygiene, as
43 the case may be, furnish the same, and money in an amount to be fixed by
44 such commissioner with the approval of the director of the budget, to
45 defray his or her expenses until he or she can reach his or her rela-
46 tives or friends, or find employment to earn a subsistence.

47 3. Within a reasonable period prior to discharge of an [~~inmate~~] incar-
48 cerated individual committed from a state correctional facility from a
49 hospital in the department of mental hygiene to the community, the
50 director shall ensure that a clinical assessment has been completed to
51 determine whether the [~~inmate~~] incarcerated individual meets the crite-
52 ria for assisted outpatient treatment pursuant to subdivision (c) of
53 section 9.60 of the mental hygiene law. If, as a result of such assess-
54 ment, the director determines that the [~~inmate~~] incarcerated individual
55 meets such criteria, prior to discharge the director of the hospital
56 shall either petition for a court order pursuant to section 9.60 of the

1 mental hygiene law, or report in writing to the director of community
2 services of the local governmental unit in which the [~~inmate~~] incarcer-
3 ated individual is expected to reside so that an investigation may be
4 conducted pursuant to section 9.47 of the mental hygiene law.

5 4. Every [~~inmate~~] incarcerated individual who has received mental
6 health treatment pursuant to this article within three years of his or
7 her anticipated release date from a state correctional facility shall be
8 provided with mental health discharge planning and, when necessary, an
9 appointment with a mental health professional in the community who can
10 prescribe medications following discharge and sufficient mental health
11 medications and prescriptions to bridge the period between discharge and
12 such time as such mental health professional may assume care of the
13 patient. [~~Inmates~~] Incarcerated individuals who have refused mental
14 health treatment may also be provided mental health discharge planning
15 and any necessary appointment with a mental health professional.

16 § 198. The opening paragraph of paragraph (a), subparagraphs 4 and 8
17 of paragraph (b) and subparagraph 2 of paragraph (c) of subdivision 7,
18 the opening paragraph of paragraph (c) and the closing paragraph of
19 subdivision 8, the opening paragraph of subdivision 9 and subdivision 13
20 of section 500-b of the correction law, subparagraphs 4 and 8 of para-
21 graph (b) of subdivision 7 and the opening paragraph of paragraph (c) of
22 subdivision 8 as added by chapter 907 of the laws of 1984, the opening
23 paragraph of paragraph (a) and subparagraph 2 of paragraph (c) of subdi-
24 vision 7, the closing paragraph of subdivision 8 and the opening para-
25 graph of subdivision 9 as amended by chapter 574 of the laws of 1985,
26 and subdivision 13 as amended by section 3 of part M of chapter 55 of
27 the laws of 2014, are amended to read as follows:

28 Consistent with the commission's rules and regulations regarding the
29 assignment of [~~inmates~~] incarcerated individuals to housing units, the
30 chief administrative officer shall exercise good judgment and discretion
31 and shall take all reasonable steps to ensure that the assignment of
32 persons to facility housing units:

33 (4) prior history of a hostile relationship with another [~~inmate~~]
34 incarcerated individual;

35 (8) any other information concerning the safety or welfare of the
36 [~~inmate~~] incarcerated individual.

37 (2) determinations made upon an interview with an [~~inmate~~] incarcerat-
38 ed individual at the time of classification;

39 where it is determined that the county does not have an approved
40 service plan in effect pursuant to article thirteen-A of the executive
41 law or is found to be in non-compliance therewith, as provided in
42 section two hundred sixty-three of such law, it shall prohibit the
43 commingling of any of the following categories of [~~inmates~~] incarcerated
44 individuals:

45 Notwithstanding the provisions of this subdivision to the contrary,
46 classification as authorized pursuant to this section may occur without
47 compliance with paragraphs (b) and (c) of this subdivision for a period
48 not to exceed six months immediately following the submission of a plan
49 to the division pursuant to section two hundred sixty-two of the execu-
50 tive law. During such six month period the commission shall undertake to
51 review, observe and assess the classification of [~~inmates~~] incarcerated
52 individuals in local correctional facilities as authorized under this
53 section to thereby ascertain safeguards which should be incorporated in
54 its rules and regulations. Further, during such six month period in
55 which such classification shall be permitted pursuant to this subdivi-
56 sion, the commission shall evaluate whether a local correctional facili-

1 ty is in substantial noncompliance with rules and regulations regarding
2 the requirements specified in paragraphs (a), (b) and (c) of this subdivi-
3 sion and shall determine at the end of such six month period whether
4 substantial noncompliance exists. At the expiration of the six month
5 period if the commission finds a local facility in substantial noncom-
6 pliance, the commission shall order that the prohibition set forth in
7 this subdivision immediately take effect. The commissioner shall advise
8 the chief administrative officer of such facility of the specific nature
9 of the noncompliance and the specific measures which should be undertak-
10 en to remedy the noncompliance. When such measures have been imple-
11 mented, the chief administrative officer shall certify same to the
12 commissioner and upon the verification thereof by the commissioner,
13 shall permit the chief administrative officer to classify [~~inmates~~]
14 incarcerated individuals as provided under this section. In the event
15 substantial noncompliance is not found at the expiration of the six
16 month period, then the local correctional facility may continue to clas-
17 sify [~~inmates~~] incarcerated individuals as authorized in this section.

18 The chief administrative officer shall forward to the commission a
19 quarterly report relative to the housing of [~~inmates~~] incarcerated indi-
20 viduals. The report shall include, but not be limited to:

21 13. Where in the opinion of the chief administrative officer an emer-
22 gency overcrowding condition exists in a local correctional facility
23 caused in part by the prohibition against the commingling of persons
24 under eighteen years of age with persons eighteen years of age or older
25 or the commingling of persons eighteen years of age or older with
26 persons under eighteen years of age, the chief administrative officer
27 may apply to the commission for permission to commingle the aforemen-
28 tioned categories of [~~inmates~~] incarcerated individuals for a period not
29 to exceed thirty days as provided herein. The commission shall acknowl-
30 edge to the chief administrative officer the receipt of such application
31 upon its receipt. The chief administrative officer shall be permitted to
32 commingle such [~~inmates~~] incarcerated individuals upon acknowledgment of
33 receipt of the application by the commission. The commission shall
34 assess the application within seven days of receipt. The commission
35 shall deny any such application and shall prohibit the continued commin-
36 gling of such [~~inmates~~] incarcerated individuals where it has found that
37 the local correctional facility does not meet the criteria set forth in
38 this subdivision and further is in substantial noncompliance with mini-
39 mum staffing requirements as provided in commission rules and regu-
40 lations. In addition, the commission shall determine whether the commin-
41 gling of such [~~inmates~~] incarcerated individuals presents a danger to
42 the health, safety or welfare of any such [~~inmate~~] incarcerated individ-
43 ual. If no such danger exists the chief administrative officer may
44 continue the commingling until the expiration of the aforementioned
45 thirty day period or until such time as he or she determines that the
46 overcrowding which necessitated the commingling no longer exists, which-
47 ever occurs first. In the event the commission determines that such
48 danger exists, it shall immediately notify the chief administrative
49 officer, and the commingling of such [~~inmates~~] incarcerated individuals
50 shall cease. Such notification shall include specific measures which
51 should be undertaken by the chief administrative officer, to correct
52 such dangers. The chief administrative officer may correct such dangers
53 and reapply to the commission for permission to commingle; however, no
54 commingling may take place until such time as the commission certifies
55 that the facility is now in compliance with the measures set forth in
56 the notification under this subdivision. When such certification has

1 been received by the chief administrative officer, the commingling may
2 continue for thirty days, less any time during which the chief adminis-
3 trative officer commingled such [~~inmates~~] incarcerated individuals
4 following his or her application to the commission, or until such time
5 as he determines that the overcrowding which necessitated the commin-
6 gling no longer exists, whichever occurs first. The chief administrative
7 officer may apply for permission to commingle such [~~inmates~~] incarcerat-
8 ed individuals for up to two additional thirty day periods, in conformi-
9 ty with the provisions and the requirements of this subdivision, in a
10 given calendar year. For the period ending December thirtieth, nineteen
11 hundred eighty-four, a locality may not apply for more than one thirty
12 day commingling period.

13 § 199. Subdivisions 7 and 8 of section 500-c of the correction law, as
14 amended by section 43 of part A-1 of chapter 56 of the laws of 2010, are
15 amended to read as follows:

16 7. A sheriff, the New York city commissioner of correction, or the
17 Westchester county commissioner of correction, as the case may be, shall
18 maintain an institutional fund account on behalf of every lawfully
19 sentenced [~~inmate~~] incarcerated individual or prisoner in his or her
20 custody and shall for the benefit of the person make deposits into said
21 accounts of any prisoner funds. As used in this section, the term "pris-
22 oner funds" means (i) funds in the possession of the prisoner at the
23 time of admission into the institution; (ii) funds earned by a prisoner
24 as provided in section one hundred eighty-seven of this chapter; and
25 (iii) any other funds received by or on behalf of the prisoner and
26 deposited with such sheriff or municipal official in accordance with the
27 written procedures established by the commission. Whenever the total
28 value of unencumbered funds in a prisoner's account exceeds ten thousand
29 dollars, such sheriff or official shall give written notice to the
30 office of victim services.

31 8. A sheriff, the New York city commissioner of correction, or the
32 Westchester county commissioner of correction, as the case may be, shall
33 provide written notice to all [~~inmates~~] incarcerated individuals serving
34 a definite sentence for a specified crime defined in paragraph (e) of
35 subdivision one of section six hundred thirty-two-a of the executive law
36 who may be subject to any requirement to report to the office of victim
37 services any funds of a convicted person as defined in section six
38 hundred thirty-two-a of the executive law, the procedures for such
39 reporting and any potential penalty for a failure to comply.

40 § 200. Subdivision 3 of section 500-d of the correction law, as
41 amended by chapter 256 of the laws of 2010, is amended to read as
42 follows:

43 (3) Such keeper may, with the consent of the board of supervisors of
44 the county, or the county judge, from time to time, cause such of the
45 convicts under his or her charge as are capable of hard labor, to be
46 employed outside of the jail in the same, or in an adjoining county,
47 upon such terms as may be agreed upon between the keepers and the offi-
48 cers, or persons, under whose direction such convicts shall be placed,
49 subject to such regulations as the board or judge may prescribe; and the
50 board of supervisors of the several counties are authorized to employ
51 convicts under sentence to confinement in the county jails, in building
52 and repairing penal institutions of the county and in building and
53 repairing the highways in their respective counties or in preparing the
54 materials for such highways for sale to and for the use of the state,
55 counties, towns, villages or cities, and in cutting wood and performing
56 other work which is commonly carried on at a prison camp, and to make

1 rules and regulations for their employment; and the said board of super-
2 visors are hereby authorized to cause money to be raised by taxation for
3 the purpose of furnishing materials and carrying this provision into
4 effect; and the courts of this state are hereby authorized to sentence
5 convicts committed to detention in the county jails to such hard labor
6 as may be provided for them by the boards of supervisors. This section
7 as amended shall not affect a county wholly included within a city.
8 Notwithstanding any other provision of law, an [~~inmate~~] incarcerated
9 individual may be permitted to leave the institution under guard to
10 voluntarily perform work for a nonprofit organization pursuant to this
11 subdivision. As used in this section, the term "nonprofit organization"
12 means an organization operated exclusively for religious, charitable, or
13 educational purposes, no part of the net earnings of which inures to the
14 benefit of any private shareholder or individual.

15 § 201. Section 500-h of the correction law, as added by chapter 481 of
16 the laws of 1991, is amended to read as follows:

17 § 500-h. Payment of costs for medical and dental services. 1. Diag-
18 noses, tests, studies or analyses for the diagnosis of a disease or
19 disability, and care and treatment by a hospital, as defined in article
20 twenty-eight of the public health law, or by a physician, or by a
21 dentist to [~~inmates~~] incarcerated individuals of a local correctional
22 facility which are provided by a county or the city of New York shall be
23 available without cost or charge to the [~~inmates~~] incarcerated individ-
24 uals receiving such examinations, care or treatment.

25 2. Notwithstanding the provisions of subdivision one of this section,
26 any county or the city of New York may, by local law, provide that such
27 entity may be reimbursed for costs paid pursuant to subdivision one of
28 this section from any third party coverage or indemnification carried by
29 an [~~inmate~~] incarcerated individual. Such third party coverage or
30 indemnification shall first be applied against the total cost to the
31 hospital or other provider as established in accordance with the
32 provisions of section twenty-eight hundred seven of the public health
33 law relating to rates of payment of an individual's care and treatment,
34 as provided herein.

35 § 202. Section 500-k of the correction law, as amended by chapter 2 of
36 the laws of 2008, is amended to read as follows:

37 § 500-k. Treatment of [~~inmates~~] incarcerated individuals. Subdivisions
38 five and six of section one hundred thirty-seven of this chapter, except
39 paragraphs (d) and (e) of subdivision six of such section, relating to
40 the treatment of [~~inmates~~] incarcerated individuals in state correction-
41 al facilities are applicable to [~~inmates~~] incarcerated individuals
42 confined in county jails; except that the report required by paragraph
43 (f) of subdivision six of such section shall be made to a person desig-
44 nated to receive such report in the rules and regulations of the state
45 commission of correction, or in any county or city where there is a
46 department of correction, to the head of such department.

47 § 203. The section heading and subdivision 2 of section 500-o of the
48 correction law, as added by chapter 573 of the laws of 2011, are amended
49 to read as follows:

50 Agreements for custody of [~~inmates~~] incarcerated individuals from
51 other states.

52 2. [~~Inmates~~] Incarcerated individuals who are confined in a local
53 correctional facility pursuant to an agreement under this section shall
54 be dealt with in all respects in the same manner as [~~inmates~~] incarcer-
55 ated individuals committed to the custody of a local correctional facil-
56 ity pursuant to paragraph (e) of subdivision one of section five

1 hundred-a of this article. All rules and regulations promulgated by the
2 commission regarding the treatment of [~~inmates~~] incarcerated individuals
3 confined in a local correctional facility shall be applicable to
4 [~~inmates~~] incarcerated individuals confined pursuant to this section. An
5 [~~inmate~~] incarcerated individual confined in a local correctional facil-
6 ity pursuant to an agreement under this section shall not be deprived of
7 any legal rights which such [~~inmate~~] incarcerated individual would have
8 had if confined in a correctional institution in the jurisdiction in
9 which he or she was convicted.

10 § 204. Subdivision 2 of section 501 of the correction law, as added by
11 chapter 122 of the laws of 2017, is amended to read as follows:

12 2. Notwithstanding subdivision one of this section, a county board of
13 supervisors may instead procure the services of a professional partner-
14 ship, a professional service corporation, a professional service limited
15 liability company or a registered limited liability company, duly
16 authorized to practice medicine in the state, for the purpose of provid-
17 ing health services to the [~~inmates~~] incarcerated individuals of the
18 jail, provided that one physician from any such professional partner-
19 ship, professional services corporation, professional service limited
20 liability company or registered limited liability company shall be
21 designated by the board to act as the chief medical officer of the jail.

22 § 205. Subdivisions 1 and 2 of section 504 of the correction law,
23 subdivision 1 as amended by chapter 799 of the laws of 1974 and subdivi-
24 sion 2 as amended by section 28 of subpart B of part C of chapter 62 of
25 the laws of 2011, are amended to read as follows:

26 1. If there is no jail in a county, or the jail becomes unfit or
27 unsafe for the confinement of some or all of the [~~inmates~~] incarcerated
28 individuals, civil or criminal, or is destroyed by fire or otherwise, or
29 if a pestilential disease breaks out in the jail or in the vicinity of
30 the jail and the physician to the jail certifies that it is likely to
31 endanger the health of any or all of the [~~inmates~~] incarcerated individ-
32 uals in the jail, the state commission of correction, upon application,
33 must, by an instrument in writing, filed with the clerk of the county,
34 designate another suitable place within the county, or the jail of any
35 other county, for the confinement of some or all of the [~~inmates~~] incar-
36 cerated individuals, as the case requires. The place so designated ther-
37 eupon becomes, to all intents and purposes, except as otherwise
38 prescribed in this article, the jail of the county for which it has been
39 so designated, and the purposes expressed in the instrument designating
40 the same. The designation may be amended, modified or revoked by the
41 state commission of correction by a subsequent instrument in writing
42 filed with the clerk of the county.

43 2. Where the jail in a county becomes unfit or unsafe for the confine-
44 ment of some or all of the [~~inmates~~] incarcerated individuals due to an
45 [~~inmate~~] incarcerated individual disturbance or other extraordinary
46 circumstances, including but not limited to a natural disaster, unantic-
47 ipated deficiencies in the structural integrity of a facility or the
48 inability to provide one or more [~~inmates~~] incarcerated individuals with
49 essential services such as medical care, upon the request of the municip-
50 al official as defined in subdivision four of section forty of this
51 chapter and no other suitable place within the county nor the jail of
52 any other county is immediately available to house some or all of the
53 [~~inmates~~] incarcerated individuals, the commissioner of corrections and
54 community supervision may, in his or her sole discretion, make avail-
55 able, upon such terms and conditions as he or she may deem appropriate,
56 all or any part of a state correctional institution for the confinement

1 of some or all of such [~~inmates~~] incarcerated individuals as an adjunct
2 to the county jail for a period not to exceed thirty days. However, if
3 the county jail remains unfit or unsafe for the confinement of some or
4 all of such [~~inmates~~] incarcerated individuals beyond thirty days, the
5 state commission of correction, with the consent of the commissioner of
6 corrections and community supervision, may extend the availability of a
7 state correctional institution for one or more additional thirty day
8 periods. The state commission of correction shall promulgate rules and
9 regulations governing the temporary transfer of [~~inmates~~] incarcerated
10 individuals to state correctional institutions from county jails,
11 including but not limited to provisions for confinement of such
12 [~~inmates~~] incarcerated individuals in the nearest correctional facility,
13 to the maximum extent practicable, taking into account necessary securi-
14 ty. The commissioner of corrections and community supervision may, in
15 his or her sole discretion, based on standards promulgated by the
16 department, determine whether a county shall reimburse the state for any
17 or all of the actual costs of confinement as approved by the director of
18 the division of the budget. On or before the expiration of each thirty
19 day period, the state commission of correction must make an appropriate
20 designation pursuant to subdivision one of this section if the county
21 jail remains unfit or unsafe for the confinement of some or all of the
22 [~~inmates~~] incarcerated individuals and consent to the continued avail-
23 ability of a state correctional institution as required for herein. The
24 superintendence, management and control of a state correctional institu-
25 tion or part thereof made available pursuant hereto and the [~~inmates~~]
26 incarcerated individuals housed therein shall be as directed by the
27 commissioner of corrections and community supervision.

28 § 206. Subdivisions 1, 3 and 4 of section 505 of the correction law,
29 as added by chapter 437 of the laws of 2013, are amended to read as
30 follows:

31 1. Where an [~~inmate~~] incarcerated individual who is not yet eighteen
32 years of age has been committed to the custody of the sheriff or other
33 person in charge of a local correctional facility and no medical consent
34 has been obtained prior to commitment, the commitment order shall be
35 deemed to grant to the minor the capacity to consent to routine medical,
36 dental and mental health services and treatment to himself or herself.

37 3. (a) At any time prior to the date the [~~inmate~~] incarcerated indi-
38 vidual becomes eighteen years of age, the [~~inmate's~~] incarcerated indi-
39 vidual's parent or legal guardian may institute legal proceedings pursu-
40 ant to section 70.20 of the penal law objecting to the provision of
41 routine medical, dental or mental health services and treatment being
42 provided to the [~~inmate~~] incarcerated individual.

43 (b) A notice of motion shall be served on the [~~inmate~~] incarcerated
44 individual and the sheriff or other person in charge of the local
45 correctional facility not less than seven days prior to the return date
46 of the motion. The person on whom the notice of motion is served shall
47 answer the motion not less than two days before the return date. On
48 examining the motion and answer and, in its discretion, after hearing
49 argument, the court shall enter an order, granting or denying the
50 motion.

51 4. Nothing in this section shall preclude an [~~inmate~~] incarcerated
52 individual from consenting on his or her own behalf to any medical,
53 dental or mental health services and treatment where otherwise author-
54 ized by law to do so.

1 § 207. Subdivision 1 and paragraph a of subdivision 2 of section 508
2 of the correction law, as amended by chapter 196 of the laws of 2017,
3 are amended to read as follows:

4 1. A sheriff, in his or her discretion, may by written order permit
5 [~~inmates~~] incarcerated individuals confined in a local correctional
6 facility to receive medical diagnosis and treatment in outside hospi-
7 tals, upon the determination that such outside treatment and diagnosis
8 is necessary by reason of inadequate facilities within the local correc-
9 tional facility. Such [~~inmates~~] incarcerated individuals shall remain
10 under the jurisdiction and in the custody of said sheriff while in a
11 hospital, other than a secure facility, as such term is defined in para-
12 graph b of subdivision two of this section, and said sheriff shall
13 enforce proper measures in each case to safely maintain such jurisdic-
14 tion and custody.

15 a. If a physician to a jail or in case of a vacancy a physician acting
16 as such and the warden or jailer certify in writing that a prisoner
17 confined in a jail, either in a civil cause or upon a criminal charge,
18 is in such a state of mental health that he or she is in need of invol-
19 untary care and treatment and in their opinion should be removed to a
20 psychiatric hospital for treatment, the warden or jailer shall imme-
21 diately notify the director who shall have the responsibility for
22 providing treatment for such prisoner. If such director after examina-
23 tion of the prisoner by an examining physician designated by him or her
24 shall determine that such prisoner is in need of involuntary care and
25 treatment, the director shall file an application for the involuntary
26 hospitalization of such prisoner pursuant to article nine of the mental
27 hygiene law in a hospital or secure facility, as defined in paragraph b
28 of this subdivision, operated by the office of mental health or in the
29 case of a prisoner confined in a jail in a city or county which main-
30 tains or operates a general hospital containing a psychiatric prison
31 ward approved by the office of mental health to such prison ward for
32 care and treatment or to any other psychiatric hospital if such prison
33 ward is filled to capacity. Such application shall be supported by the
34 certificate of two physicians in accordance with the requirements of
35 section 9.27 of the mental hygiene law and thereupon such prisoner shall
36 be admitted forthwith to the hospital or secure facility in which such
37 application is filed, and the procedures of the mental hygiene law
38 governing the hospitalization of such prisoner. The jailer or warden
39 having custody of the prisoner shall deliver the prisoner to the hospi-
40 tal or secure facility with which the director has filed the applica-
41 tion. If such jailer or warden shall certify that such prisoner has a
42 mental illness which is likely to result in serious harm to himself,
43 herself or others and for which care in a psychiatric hospital is appro-
44 priate such jailer or warden shall effect the admission of such prisoner
45 to a hospital or secure facility forthwith in accordance with the
46 provisions of section 9.37 or 9.39 of the mental hygiene law and the
47 hospital shall admit such prisoner. Upon admission of the prisoner,
48 pursuant to section 9.37 or 9.39 of the mental hygiene law, the jailer
49 or warden shall notify the director, the prisoner's attorney, and his or
50 her family, where information about the family is available. While the
51 prisoner is in the hospital, other than a secure facility, he or she
52 shall remain in the custody under sufficient guard of the jailer or
53 warden in charge of the jail from which he or she came. When the prison-
54 er is in a secure facility, the jailer or warden may transfer custody of
55 the [~~inmate~~] incarcerated individual to the commissioner of mental
56 health, pursuant to an agreement between such jailer or warden and such

1 commissioner. A prisoner admitted to a psychiatric hospital pursuant to
2 section 9.27, 9.37 or 9.39 of the mental hygiene law may be retained at
3 the hospital or secure facility pursuant to the provisions of the mental
4 hygiene law until he or she has improved sufficiently in his or her
5 mental illness so that hospitalization is no longer necessary or until
6 ordered by the court to be returned to the jail whichever comes first
7 and in either event, the prisoner shall thereupon be returned to jail.
8 The cost of the care and treatment of such prisoners in the hospital or
9 secure facility shall be defrayed in accordance with the provisions of
10 the mental hygiene law in such cases provided.

11 From the time of admission of a prisoner to a hospital under this
12 section the retention of such prisoner for care and treatment shall be
13 subject to the provisions for notice, hearing, review and judicial
14 approval of continued retention or transfer and continued retention
15 provided by article nine of the mental hygiene law for the admission and
16 retention of involuntary patients.

17 § 208. Section 509 of the correction law, as amended by chapter 419 of
18 the laws of 1989, is amended to read as follows:

19 § 509. Absence of [~~inmate~~] incarcerated individual for funeral and
20 deathbed visits. The sheriff of a local correctional facility or his or
21 her designee may permit any [~~inmate~~] incarcerated individual confined in
22 his or her local correctional facility to attend the funeral of his or
23 her father, mother, guardian or former guardian, child, brother, sister,
24 husband, wife, grandparent, grandchild, ancestral uncle or ancestral
25 aunt within the state, or to visit such individual during his or her
26 illness if death be imminent; but the exercise of such power shall be
27 subject to such rules and regulations as the commission shall prescribe,
28 respecting the granting of such permission, duration of absence from the
29 institution, custody, transportation and care of the [~~inmate~~] incarcer-
30 ated individual, and guarding against escape.

31 § 209. The section heading, subdivisions (a), (b) and (e) of section
32 601 of the correction law, the section heading and subdivision (b) as
33 amended by chapter 39 of the laws of 1977, subdivision (a) as amended by
34 section 5 of chapter 177 of the laws of 2011, and subdivision (e) as
35 added by section 2 of part D of chapter 56 of the laws of 2008, are
36 amended to read as follows:

37 Delivery of commitment with [~~inmate~~] incarcerated individual; payment
38 of fees for transportation.

39 (a) Whenever an [~~inmate~~] incarcerated individual shall be delivered to
40 the superintendent of a state correctional facility pursuant to an inde-
41 terminate or determinate sentence, the officer so delivering such
42 [~~inmate~~] incarcerated individual shall deliver to such superintendent,
43 the sentence and commitment or certificate of conviction, or a certified
44 copy thereof, and a copy of any order of protection pursuant to section
45 380.65 of the criminal procedure law received by such officer from the
46 clerk of the court by which such [~~inmate~~] incarcerated individual shall
47 have been sentenced, a copy of the report of the probation officer's
48 investigation and report or a detailed statement covering the facts
49 relative to the crime and previous history certified by the district
50 attorney, a copy of the [~~inmate's~~] incarcerated individual's fingerprint
51 records, a detailed summary of available medical records, psychiatric
52 records and reports relating to assaults, or other violent acts,
53 attempts at suicide or escape by the [~~inmate~~] incarcerated individual
54 while in the custody of the local correctional facility; any such
55 medical or psychiatric records in the possession of a health care
56 provider other than the local correctional facility shall be summarized

1 in detail and forwarded by such health care provider to the medical
2 director of the appropriate state correctional facility upon request;
3 the superintendent shall present to such officer a certificate of the
4 delivery of such [inmate] incarcerated individual, and the fees of such
5 officer for transporting such [inmate] incarcerated individual shall be
6 paid from the treasury upon the audit and warrant of the comptroller.
7 Whenever an [inmate] incarcerated individual of the state is delivered
8 to a local facility, the superintendent shall forward summaries of such
9 records to the local facility with the [inmate] incarcerated individual.

10 (b) Whenever an [inmate] incarcerated individual is sentenced by a
11 court of this state to an indeterminate sentence, but the [inmate]
12 incarcerated individual is immediately returned to a correctional facil-
13 ity under the jurisdiction of the United States or of a sister state,
14 the clerk of the court shall immediately send to the commissioner of the
15 department a certified copy of the sentence, a copy of the probation
16 report and a copy of the fingerprint records of the [inmate] incarcerat-
17 ed individual.

18 (e) A copy of any order of protection issued by any court against such
19 [inmate] incarcerated individual pursuant to article five hundred thirty
20 of the criminal procedure law or article eight of the family court act
21 at the time of sentencing or which thereafter be issued shall accompany
22 any commitment.

23 § 209-a. Subdivisions (a) and (b) of section 601 of the correction
24 law, subdivision (a) as amended by section 6 of chapter 177 of the laws
25 of 2011 and subdivision (b) as amended by chapter 738 of the laws of
26 2004, are amended to read as follows:

27 (a) Whenever an [inmate] incarcerated individual shall be delivered to
28 the superintendent of a state correctional facility pursuant to an inde-
29 terminate or determinate sentence, the officer so delivering such
30 [inmate] incarcerated individual shall deliver to such superintendent,
31 the sentence and commitment or certificate of conviction, or a certified
32 copy thereof, and a copy of any order of protection pursuant to section
33 380.65 of the criminal procedure law received by such officer from the
34 clerk of the court by which such [inmate] incarcerated individual shall
35 have been sentenced, a copy of the report of the probation officer's
36 investigation and report or a detailed statement covering the facts
37 relative to the crime and previous history certified by the district
38 attorney, a copy of the [inmate's] incarcerated individual's fingerprint
39 records, a detailed summary of available medical records, psychiatric
40 records and reports relating to assaults, or other violent acts,
41 attempts at suicide or escape by the [inmate] incarcerated individual
42 while in the custody of the local correctional facility; any such
43 medical or psychiatric records in the possession of a health care
44 provider other than the local correctional facility shall be summarized
45 in detail and forwarded by such health care provider to the medical
46 director of the appropriate state correctional facility upon request;
47 the superintendent shall present to such officer a certificate of the
48 delivery of such [inmate] incarcerated individual, and the fees of such
49 officer for transporting such [inmate] incarcerated individual shall be
50 paid from the treasury upon the audit and warrant of the comptroller.
51 Whenever an [inmate] incarcerated individual of the state is delivered
52 to a local facility, the superintendent shall forward summaries of such
53 records to the local facility with the [inmate] incarcerated individual.

54 (b) Whenever an [inmate] incarcerated individual is sentenced by a
55 court of this state to an indeterminate or determinate sentence, but the
56 [inmate] incarcerated individual is immediately returned to a correc-

1 tional facility under the jurisdiction of the United States or of a
2 sister state, the clerk of the court shall immediately send to the
3 commissioner of the department a certified copy of the sentence, a copy
4 of the probation report and a copy of the fingerprint records of the
5 [~~inmate~~] incarcerated individual.

6 § 210. The opening paragraph and subdivision 2 of section 601-d of the
7 correction law, as amended by section 29 of subpart B of part C of chap-
8 ter 62 of the laws of 2011, are amended to read as follows:

9 This section shall apply only to [~~inmates~~] incarcerated individuals in
10 the custody of the commissioner, and releasees under the supervision of
11 the department, upon whom a determinate sentence was imposed between
12 September first, nineteen hundred ninety-eight, and the effective date
13 of this section, which was required by law to include a term of post-re-
14 lease supervision:

15 2. Whenever it shall appear to the satisfaction of the department that
16 an [~~inmate~~] incarcerated individual in its custody or that a releasee
17 under its supervision, is a designated person, the department shall make
18 notification of that fact to the court that sentenced such person, and
19 to the [~~inmate~~] incarcerated individual or releasee.

20 § 211. Section 605-a of the correction law, as amended by section 30
21 of subpart B of part C of chapter 62 of the laws of 2011, is amended to
22 read as follows:

23 § 605-a. Transportation of female [~~inmates~~] incarcerated individuals.
24 Whenever any female [~~inmate~~] incarcerated individual is conveyed to an
25 institution under the jurisdiction of the state department of
26 corrections and community supervision pursuant to sentence or commit-
27 ment, such female [~~inmate~~] incarcerated individual shall be accompanied
28 by at least one female officer.

29 § 212. The section heading and subdivision 1 of section 606 of the
30 correction law, as added by chapter 824 of the laws of 1985, are amended
31 to read as follows:

32 Payment of costs for prosecution of [~~inmates~~] incarcerated
33 individuals. 1. When an [~~inmate~~] incarcerated individual of an institu-
34 tion of the department is alleged to have committed an offense while an
35 [~~inmate~~] incarcerated individual of such institution, the state shall
36 pay all reasonable costs for the prosecution of such offense, including
37 but not limited to, costs for: a grand jury impaneled to hear and exam-
38 ine evidence of such offense, petit jurors, witnesses, the defense of
39 any [~~inmate~~] incarcerated individual financially unable to obtain coun-
40 sel in accordance with the provisions of the county law, the district
41 attorney, the costs of the sheriff and the appointment of additional
42 court attendants, officers or other judicial personnel.

43 § 213. Subdivisions 2 and 3 of section 610 of the correction law, as
44 amended by chapter 268 of the laws of 1969, are amended to read as
45 follows:

46 2. This section shall be deemed to apply to every incorporated or
47 unincorporated society for the reformation of its [~~inmates~~] incarcerated
48 individuals, as well as houses of refuge, penitentiaries, protectories,
49 reformatories or other correctional institutions, continuing to receive
50 for its use, either public moneys, or a per capita sum from any munici-
51 pality for the support of [~~inmates~~] incarcerated individuals.

52 3. The rules and regulations established for the government of the
53 institutions mentioned in this section shall recognize the right of the
54 [~~inmates~~] incarcerated individuals to the free exercise of their reli-
55 gious belief, and to worship God according to the dictates of their
56 consciences, including baptism by immersion, in accordance with the

1 provisions of the constitution; and shall allow religious services on
2 Sunday and for private ministration to the [~~inmates~~] incarcerated indi-
3 viduals in such manner as may best carry into effect the spirit and
4 intent of this section and be consistent with the proper discipline and
5 management of the institution; and the [~~inmates~~] incarcerated individ-
6 uals of such institutions shall be allowed such religious services and
7 spiritual advice and spiritual ministration from some recognized clergy-
8 man of the denomination or church which said [~~inmates~~] incarcerated
9 individuals may respectively prefer or to which they may have belonged
10 prior to their being confined in such institutions; but if any of such
11 [~~inmates~~] incarcerated individuals shall be minors under the age of
12 sixteen years, then such services, advice and spiritual ministration
13 shall be allowed in accordance with the methods and rites of the partic-
14 ular denomination or church which the parents or guardians of such
15 minors may select; such services to be held and such advice and minis-
16 tration to be given within the buildings or grounds, whenever possible,
17 where the [~~inmates~~] incarcerated individuals are required by law to be
18 confined, in such manner and at such hours as will be in harmony, as
19 aforesaid, with the discipline and the rules and regulations of the
20 institution and secure to such [~~inmates~~] incarcerated individuals free
21 exercise of their religious beliefs in accordance with the provisions of
22 this section. In case of a violation of any of the provisions of this
23 section any person feeling himself or herself aggrieved thereby may
24 institute proceedings in the supreme court of the district where such
25 institution is situated, which is hereby authorized and empowered to
26 enforce the provisions of this section.

27 § 214. The section heading, paragraph (c) of subdivision 1 and subdivi-
28 sion 2 of section 611 of the correction law, the section heading and
29 subdivision 2 as amended by chapter 242 of the laws of 1930, and para-
30 graph (c) of subdivision 1 as amended by chapter 17 of the laws of 2016,
31 are amended to read as follows:

32 Births to [~~inmates~~] incarcerated individuals of correctional insti-
33 tutions and care of children of [~~inmates~~] incarcerated individuals of
34 correctional institutions.

35 (c) No restraints of any kind shall be used when such woman is in
36 labor, admitted to a hospital, institution or clinic for delivery, or
37 recovering after giving birth. Any such personnel as may be necessary to
38 supervise the woman during transport to and from and during her stay at
39 the hospital, institution or clinic shall be provided to ensure adequate
40 care, custody and control of the woman, except that no correctional
41 staff shall be present in the delivery room during the birth of a baby
42 unless requested by the medical staff supervising such delivery or by
43 the woman giving birth. The superintendent or sheriff or his or her
44 designee shall cause such woman to be subject to return to such institu-
45 tion or local correctional facility as soon after the birth of her child
46 as the state of her health will permit as determined by the medical
47 professional responsible for the care of such woman. If such woman is
48 confined in a local correctional facility, the expense of such accommo-
49 dation, maintenance and medical care shall be paid by such woman or her
50 relatives or from any available funds of the local correctional facility
51 and if not available from such sources, shall be a charge upon the coun-
52 ty, city or town in which is located the court from which such [~~inmate~~]
53 incarcerated individual was committed to such local correctional facili-
54 ty. If such woman is confined in any institution under the control of
55 the department, the expense of such accommodation, maintenance and
56 medical care shall be paid by such woman or her relatives and if not

1 available from such sources, such maintenance and medical care shall be
2 paid by the state. In cases where payment of such accommodations, main-
3 tenance and medical care is assumed by the county, city or town from
4 which such [~~inmate~~] incarcerated individual was committed the payor
5 shall make payment by issuing payment instrument in favor of the agency
6 or individual that provided such accommodations and services, after
7 certification has been made by the head of the institution to which the
8 [~~inmate~~] incarcerated individual was legally confined, that the charges
9 for such accommodations, maintenance and medical care were necessary and
10 are just, and that the institution has no available funds for such
11 purpose.

12 2. A child so born may be returned with its mother to the correctional
13 institution in which the mother is confined unless the chief medical
14 officer of the correctional institution shall certify that the mother is
15 physically unfit to care for the child, in which case the statement of
16 the said medical officer shall be final. A child may remain in the
17 correctional institution with its mother for such period as seems desir-
18 able for the welfare of such child, but not after it is one year of age,
19 provided, however, if the mother is in a state reformatory and is to be
20 paroled shortly after the child becomes one year of age, such child may
21 remain at the state reformatory until its mother is paroled, but in no
22 case after the child is eighteen months old. The officer in charge of
23 such institution may cause a child cared for therein with its mother to
24 be removed from the institution at any time before the child is one year
25 of age. He shall make provision for a child removed from the institution
26 without its mother or a child born to a woman [~~inmate~~] incarcerated
27 individual who is not returned to the institution with its mother as
28 hereinafter provided. He may, upon proof being furnished by the father
29 or other relatives of their ability to properly care for and maintain
30 such child, give the child into the care and custody of such father or
31 other relatives, who shall thereafter maintain the same at their own
32 expense. If it shall appear that such father or other relatives are
33 unable to properly care for and maintain such child, such officer shall
34 place the child in the care of the commissioner of public welfare or
35 other officer or board exercising in relation to children the power of a
36 commissioner of public welfare of the county from which such [~~inmate~~]
37 incarcerated individual was committed as a charge upon such county. The
38 officer in charge of the correctional institution shall send to such
39 commissioner, officer or board a report of all information available in
40 regard to the mother and the child. Such commissioner of public welfare
41 or other officer or board shall care for or place out such child as
42 provided by law in the case of a child becoming dependent upon the coun-
43 ty.

44 § 215. Subdivisions 1 and 2 of section 618 of the correction law,
45 subdivision 1 as amended by chapter 413 of the laws of 1993 and subdivi-
46 sion 2 as amended by chapter 654 of the laws of 1974, are amended to
47 read as follows:

48 1. It shall also be the duty of the commissioner to continue to make
49 or have impressions made of the finger and thumbprints of all [~~inmates~~]
50 incarcerated individuals in any of the institutions under the jurisdic-
51 tion of the department; in his or her discretion, to cause said
52 [~~inmates~~] incarcerated individuals to be measured and described; and to
53 cause to be obtained and recorded, so far as possible, modus operandi
54 statements of said [~~inmates~~] incarcerated individuals. The commissioner
55 shall cause such impressions and measurements of persons confined in
56 state correctional institutions to be made by a person or persons in the

1 official service of the state in conformity with the system now in use
2 in the division of criminal justice services, and shall prescribe rules
3 and regulations for obtaining and recording such modus operandi state-
4 ments, and for keeping accurate records of such impressions, measure-
5 ments and statements, in the offices of such institutions.

6 2. It is hereby made the duty of the officials having charge of all
7 the penitentiaries and county jails in the state to cause [~~inmates~~]
8 incarcerated individuals confined therein under sentence for any crime
9 to be measured and described and the fingerprint impressions of such
10 [~~inmates~~] incarcerated individuals to be made according to the rules and
11 methods prescribed by the commissioner of criminal justice services. It
12 shall also be the duty of such officials in charge of such institutions
13 to procure so far as possible modus operandi statements from all such
14 prisoners. And it shall be the duty of such officials to cause dupli-
15 cate records of such measurements, impressions and statements to be
16 made, two copies to be transmitted to the division of criminal justice
17 services within twenty-four hours following the time of the reception of
18 such [~~inmates~~] incarcerated individuals in said institutions.

19 § 216. Section 619 of the correction law, as amended by section 31 of
20 subpart B of part C of chapter 62 of the laws of 2011, is amended to
21 read as follows:

22 § 619. Cooperation with authorized agencies of the department of
23 social services. It shall be the duty of an official of any institution
24 under the jurisdiction of the commissioner of corrections and community
25 supervision to cooperate with an authorized agency of the department of
26 social services in making suitable arrangements for an [~~inmate~~] incar-
27 cerated individual confined therein to visit with his or her child
28 pursuant to subdivision seven of section three hundred eighty-four-b of
29 the social services law.

30 § 217. Section 622 of the correction law, as added by chapter 7 of the
31 laws of 2007, is amended to read as follows:

32 § 622. Sex offender treatment program. 1. The department shall make
33 available a sex offender treatment program for those [~~inmates~~] incarcer-
34 ated individuals who are serving sentences for felony sex offenses, or
35 for other offenses defined in subdivision (p) of section 10.03 of the
36 mental hygiene law, and are identified as having a need for such program
37 in accordance with sections eight hundred three and eight hundred five
38 of this chapter. In developing the treatment program, the department
39 shall give due regard to standards, guidelines, best practices, and
40 qualifications recommended by the office of sex offender management. The
41 department shall make such treatment programs available sufficiently in
42 advance of the time of the [~~inmate's~~] incarcerated individual's consid-
43 eration by the case review team, pursuant to section 10.05 of the mental
44 hygiene law, so as to allow the [~~inmate~~] incarcerated individual to
45 complete the treatment program prior to that time.

46 2. The primary purpose of the program shall be to reduce the likeli-
47 hood of reoffending by assisting such offenders to control their chain
48 of behaviors that lead to sexual offending. The length of participation
49 for each [~~inmate~~] incarcerated individual to achieve successful
50 completion shall be dependent upon the initial assessment of the
51 [~~inmate's~~] incarcerated individual's specific needs and the degree of
52 progress made by the [~~inmate~~] incarcerated individual as a participant
53 but shall not be less than six months.

54 3. The department's sex offender treatment program shall include resi-
55 dential programs, which shall require that at each correctional facility
56 where the residential program is provided, [~~inmate~~] incarcerated indi-

1 vidual participants shall be housed within the same housing area in
2 order to provide clinically appropriate treatment, and to provide a more
3 structured and controlled setting.

4 4. Each residential program shall be staffed with a licensed psychol-
5 ogist who shall provide clinical supervision to the treatment staff,
6 review, approve and modify treatment plans as appropriate for individual
7 [~~inmates~~] incarcerated individuals, provide clinical assessments for
8 participating [~~inmates~~] incarcerated individuals, observe and partic-
9 ipate in group sessions and make treatment recommendations. Each resi-
10 dential program shall also be staffed with a licensed clinical social
11 worker or other mental health professional who shall be knowledgeable
12 about the administration of testing instruments that are designed to
13 measure the degree of a sex offender's psychopathy and his or her
14 program needs. The assigned licensed psychologist shall also be know-
15 ledgeable about the application of such testing instruments.

16 5. Any [~~inmate~~] incarcerated individual committed to the custody of
17 the department on or after the effective date of this section for a
18 felony sex offense, or for any of the other offenses listed in subdivi-
19 sion (p) of section 10.03 of the mental hygiene law, shall, as soon as
20 practicable, be initially assessed by staff of the office of mental
21 health who shall be knowledgeable regarding the diagnosis, treatment,
22 assessment or evaluation of sex offenders. The assessment shall include,
23 but not be limited to, the determination of the degree to which the
24 [~~inmate~~] incarcerated individual presents a risk of violent sexual reci-
25 divism and his or her need for sex offender treatment while in prison.

26 6. Staff of the office of mental health and the office of mental
27 retardation and developmental disabilities may be consulted about the
28 [~~inmate's~~] incarcerated individual's treatment needs and may assist in
29 providing any additional treatment services determined to be clinically
30 appropriate to address the [~~inmate's~~] incarcerated individual's underly-
31 ing mental abnormality or disorder. Such treatment services shall be
32 provided using professionally accepted treatment protocols.

33 § 218. Section 623 of the correction law, as added by chapter 240 of
34 the laws of 2007, is amended to read as follows:

35 § 623. [~~Inmate~~] Incarcerated individual telephone services. 1. Tele-
36 phone services contracts for [~~inmates~~] incarcerated individuals in state
37 correctional facilities shall be subject to the procurement provisions
38 as set forth in article eleven of the state finance law provided, howev-
39 er, that when determining the best value of such telephone service, the
40 lowest possible cost to the telephone user shall be emphasized.

41 2. The department shall make available either a "prepaid" or "collect
42 call" system, or a combination thereof, for telephone service. Under the
43 "prepaid" system, funds may be deposited into an account in order to pay
44 for station-to-station calls, provided that nothing in this subdivision
45 shall require the department to provide or administer a prepaid system.
46 Under a "collect call" system, call recipients are billed for the cost
47 of an accepted telephone call initiated by an [~~inmate~~] incarcerated
48 individual. Under such "collect call" system, the provider of [~~inmate~~]
49 incarcerated individual telephone service, as an additional means of
50 payment, must permit the recipient of [~~inmate~~] incarcerated individual
51 calls to establish an account with such provider in order to deposit
52 funds to pay for such collect calls in advance.

53 3. The department shall not accept or receive revenue in excess of its
54 reasonable operating cost for establishing and administering such tele-
55 phone system services as provided in subdivisions one and two of this
56 section.

1 4. The department shall establish rules and regulations or depart-
2 mental procedures to ensure that any [~~inmate~~] incarcerated individual
3 phone call system established by this section provides reasonable secu-
4 rity measures to preserve the safety and security of each correctional
5 facility, all staff and all persons outside a facility who may receive
6 [~~inmate~~] incarcerated individual phone calls.

7 § 219. Section 624 of the correction law, as added by chapter 447 of
8 the laws of 2016, is amended to read as follows:

9 § 624. Next of kin; death of [~~inmate~~] incarcerated individual. The
10 department shall be responsive to inquiries from the next of kin and
11 other person designated as the representative of any [~~inmate~~] incarcer-
12 ated individual whose death takes place during custody regarding the
13 circumstances surrounding the death of such [~~inmate~~] incarcerated indi-
14 vidual, the medical procedures used and the cause of death including
15 preliminary determinations and final determination as reported by an
16 autopsy report. The next of kin and other person designated as a repre-
17 sentative shall be identified from the emergency contact information
18 previously provided by the [~~inmate~~] incarcerated individual to the
19 department.

20 § 220. Subdivisions 2, 3 and 4 of section 631 of the correction law,
21 subdivision 2 as separately amended by chapters 411 and 622 of the laws
22 of 1973 and subdivisions 3 and 4 as amended by chapter 622 of the laws
23 of 1973, are amended to read as follows:

24 2. "Eligible [~~inmate~~] incarcerated individual" means a person confined
25 in a city prison or reformatory in a city having a population of one
26 million or more or in a county jail and penitentiaries of a county which
27 elects to have this article apply thereto where a furlough program has
28 been established who is sentenced to a definite period of six months or
29 more or to a reformatory sentence of imprisonment and has served a mini-
30 mum of six months of any such sentence.

31 3. "Furlough program" means a program under which eligible [~~inmates~~]
32 incarcerated individuals may be granted the privilege of leaving the
33 premises of a prison for a period not exceeding seventy-two hours for
34 the purpose of seeking employment, maintaining family ties, solving
35 family problems, to undergo surgery or to receive medical treatment or
36 dental treatment not available in the correctional institution, or for
37 any matter necessary to the furtherance of any such purposes.

38 4. "Extended bounds of confinement" means the area in which an
39 [~~inmate~~] incarcerated individual participating in a furlough program may
40 travel, the routes he or she is permitted to use, the places he or she
41 is authorized to visit, and the hours, days, or specially defined period
42 during which he or she is permitted to be absent from the premises of
43 the institution. An extension of limits shall be under such prescribed
44 conditions as the commissioner deems necessary. Such extension of limits
45 may be withdrawn at any time.

46 § 221. Section 632 of the correction law, as added by chapter 886 of
47 the laws of 1972, is amended to read as follows:

48 § 632. Establishment of a furlough program. [~~1.~~] The commissioner
49 shall designate, in the rules and regulations of the department; appro-
50 priate employees or an appropriate unit of the department, to be respon-
51 sible for [~~(a)~~] (i) securing education, on-the-job training and employ-
52 ment opportunities for [~~inmates~~] incarcerated individuals who are
53 eligible to participate in a furlough program and [~~(b)~~] (ii) supervising
54 [~~inmates~~] incarcerated individuals during their participation in a
55 furlough program outside the premises of the institution.

1 § 222. The section heading and subdivisions 1, 2, 6 and 7 of section
2 633 of the correction law, the section heading and subdivisions 2, 6 and
3 7 as added by chapter 886 of the laws of 1972, and subdivision 1 as
4 amended by chapter 622 of the laws of 1973, are amended to read as
5 follows:

6 Procedure for furlough release of eligible [~~inmates~~] incarcerated
7 individuals. 1. A person confined in a city prison or a county jail and
8 penitentiaries of a county which elects to have this article apply ther-
9 eto who is, or who within thirty days will become, an eligible [~~inmate~~]
10 incarcerated individual, may make application to the furlough release
11 committee of the institution for permission to participate in a furlough
12 program.

13 2. Any eligible [~~inmate~~] incarcerated individual may make application
14 to the furlough committee for leave of absence provided, however, that
15 in exigent circumstances such application may be made directly to the
16 warden of the institution and the warden may exercise all of the powers
17 of the furlough committee subject, however, to any limitations or
18 requirements set forth in the rules and regulations of the department
19 and subject further to the discretion of the commissioner.

20 6. After approving the program of furlough, the warden may then permit
21 an eligible [~~inmate~~] incarcerated individual who has accepted such
22 program to go outside the premises of the institution within the limits
23 of the extended bounds of confinement described in the memorandum;
24 provided, however, that no such permission shall become effective in the
25 case of a furlough program prior to the time at which the person to be
26 released becomes an eligible [~~inmate~~] incarcerated individual.

27 7. Participation in a furlough release program shall be a privilege.
28 Nothing contained in this article may be construed to confer upon any
29 [~~inmate~~] incarcerated individual the right to participate, or to contin-
30 ue to participate in a furlough program. The warden of the institution
31 may at any time, and upon recommendation of the furlough committee or of
32 the commissioner, revoke any [~~inmate's~~] incarcerated individual's privi-
33 lege to participate in a program of furlough.

34 § 223. Section 634 of the correction law, as added by chapter 886 of
35 the laws of 1972, subdivisions 1 and 4 as amended by chapter 843 of the
36 laws of 1980 and subdivision 2 as amended by chapter 622 of the laws of
37 1973, is amended to read as follows:

38 § 634. Conduct of [~~inmates~~] incarcerated individuals participating in
39 furlough program. 1. An [~~inmate~~] incarcerated individual who is permit-
40 ted to leave the premises of an institution to participate in a furlough
41 program shall have on his or her person a copy of the memorandum of that
42 program as signed by the warden of the institution and shall exhibit
43 such copy to any peace officer or police officer upon request of such
44 officer.

45 2. If the [~~inmate~~] incarcerated individual violates any provision of
46 the program, or any rule, or regulation promulgated by the commissioner
47 for conduct of [~~inmates~~] incarcerated individuals participating in
48 furlough programs, he or she shall be subject to disciplinary measures
49 to the same extent as if he or she violated a rule or regulation of the
50 commissioner for conduct of [~~inmates~~] incarcerated individuals within
51 the premises of the institution.

52 3. The provisions of this section relating to good behavior of
53 [~~inmates~~] incarcerated individuals while participating in furlough
54 programs outside the premises of institutions, and such allowances may
55 be granted, withheld, forfeited or cancelled in whole or part for behav-
56 ior outside the premises of an institution to the same extent and in the

1 same manner as is provided for behavior of [~~inmates~~] incarcerated indi-
2 viduals within the premises of the institutions.

3 4. An [~~inmate~~] incarcerated individual who is in violation of the
4 provisions of his or her furlough program may be taken into custody by
5 any peace officer or police officer and, in such event the [~~inmate~~]
6 incarcerated individual shall be returned forthwith to the institution
7 that released him or her. In any case where the institution is in a
8 county other than the one in which the [~~inmate~~] incarcerated individual
9 is apprehended, the officer may deliver the [~~inmate~~] incarcerated indi-
10 vidual to the nearest institution, jail or lockup and it shall be the
11 duty of the person in charge of said facility to hold such [~~inmate~~]
12 incarcerated individual securely until such time as he or she is deliv-
13 ered into the custody of an officer of the institution from which he or
14 she was released. Upon delivering the [~~inmate~~] incarcerated individual
15 to an institution, jail or lockup, other than the one from which he or
16 she was released, the officer who apprehended the [~~inmate~~] incarcerated
17 individual shall forthwith notify the warden of the institution from
18 which the [~~inmate~~] incarcerated individual was released and it shall be
19 the duty of the warden to effect the expeditious return of the [~~inmate~~]
20 incarcerated individual to the institution.

21 § 224. Subparagraphs (ii) and (iv) of paragraph (d) of subdivision 1
22 of section 803 of the correction law, as added by section 7 of chapter
23 738 of the laws of 2004, are amended to read as follows:

24 (ii) Such merit time allowance shall not be available to any person
25 serving an indeterminate sentence authorized for an A-I felony offense,
26 other than an A-I felony offense defined in article two hundred twenty
27 of the penal law, or any sentence imposed for a violent felony offense
28 as defined in section 70.02 of the penal law, manslaughter in the second
29 degree, vehicular manslaughter in the second degree, vehicular
30 manslaughter in the first degree, criminally negligent homicide, an
31 offense defined in article one hundred thirty of the penal law, incest,
32 or an offense defined in article two hundred sixty-three of the penal
33 law, or aggravated harassment of an employee by an [~~inmate~~] incarcerated
34 individual.

35 (iv) Such merit time allowance may be granted when an [~~inmate~~] incar-
36 cerated individual successfully participates in the work and treatment
37 program assigned pursuant to section eight hundred five of this article
38 and when such [~~inmate~~] incarcerated individual obtains a general equiv-
39 alency diploma, an alcohol and substance abuse treatment certificate, a
40 vocational trade certificate following at least six months of vocational
41 programming or performs at least four hundred hours of service as part
42 of a community work crew.

43 Such allowance shall be withheld for any serious disciplinary infrac-
44 tion or upon a judicial determination that the person, while an [~~inmate~~]
45 incarcerated individual, commenced or continued a civil action, proceed-
46 ing or claim that was found to be frivolous as defined in subdivision
47 (c) of section eight thousand three hundred three-a of the civil prac-
48 tice law and rules, or an order of a federal court pursuant to rule 11
49 of the federal rules of civil procedure imposing sanctions in an action
50 commenced by a person, while an [~~inmate~~] incarcerated individual,
51 against a state agency, officer or employee.

52 § 224-a. Subparagraphs (ii) and (iv) of paragraph (d) of subdivision 1
53 of section 803 of the correction law, as added by section 10-a of chap-
54 ter 738 of the laws of 2004, are amended to read as follows:

55 (ii) Such merit time allowance shall not be available to any person
56 serving an indeterminate sentence authorized for an A-I felony offense,

1 other than an A-I felony offense defined in article two hundred twenty
2 of the penal law, or any sentence imposed for a violent felony offense
3 as defined in section 70.02 of the penal law, manslaughter in the second
4 degree, vehicular manslaughter in the second degree, vehicular
5 manslaughter in the first degree, criminally negligent homicide, an
6 offense defined in article one hundred thirty of the penal law, incest,
7 or an offense defined in article two hundred sixty-three of the penal
8 law, or aggravated harassment of an employee by an [~~inmate~~] incarcerated
9 individual.

10 (iv) Such merit time allowance may be granted when an [~~inmate~~] incar-
11 cerated individual successfully participates in the work and treatment
12 program assigned pursuant to section eight hundred five of this article
13 and when such [~~inmate~~] incarcerated individual obtains a general equiv-
14 alency diploma, an alcohol and substance abuse treatment certificate, a
15 vocational trade certificate following at least six months of vocational
16 programming or performs at least four hundred hours of service as part
17 of a community work crew.

18 Such allowance shall be withheld for any serious disciplinary infrac-
19 tion or upon a judicial determination that the person, while an [~~inmate~~]
20 incarcerated individual, commenced or continued a civil action, proceed-
21 ing or claim that was found to be frivolous as defined in subdivision
22 (c) of section eight thousand three hundred three-a of the civil prac-
23 tice law and rules, or an order of a federal court pursuant to rule 11
24 of the federal rules of civil procedure imposing sanctions in an action
25 commenced by a person, while an [~~inmate~~] incarcerated individual,
26 against a state agency, officer or employee.

27 § 225. The section heading, clauses (A) and (C) of subparagraph (ii)
28 of paragraph (b), paragraphs (c) and (e) of subdivision 1 and subdivi-
29 sion 3 of section 803-b of the correction law, the section heading,
30 clauses (A) and (C) of subparagraph (ii) of paragraph (b), paragraph (e)
31 of subdivision 1 and subdivision 3 as added by section 4 of part L of
32 chapter 56 of the laws of 2009 and paragraph (c) of subdivision 1 as
33 amended by section 1 of part E of chapter 55 of the laws of 2017, are
34 amended to read as follows:

35 Limited credit time allowances for [~~inmates~~] incarcerated individuals
36 serving indeterminate or determinate sentences imposed for specified
37 offenses.

38 (A) in the case of an eligible offender who is not subject to an inde-
39 terminate sentence with a maximum term of life imprisonment, such offen-
40 der shall be eligible for conditional release six months earlier than as
41 provided by paragraph (b) of subdivision one of section 70.40 of the
42 penal law, provided that the department determines such offender has
43 earned the full amount of good time authorized by section eight hundred
44 three of this article; the withholding of any good behavior time credit
45 by the department shall render an [~~inmate~~] incarcerated individual inel-
46 igible for the credit defined herein;

47 (C) an [~~inmate~~] incarcerated individual shall not be eligible for the
48 credit defined herein if he or she is returned to the department pursu-
49 ant to a revocation of presumptive release, parole, conditional release,
50 or post-release supervision and has not been sentenced to an additional
51 indeterminate or determinate term of imprisonment.

52 (c) "significant programmatic accomplishment" means that the [~~inmate~~]
53 incarcerated individual:

- 54 (i) participates in no less than two years of college programming; or
55 (ii) obtains a masters of professional studies degree; or

1 (iii) successfully participates as an [~~inmate~~] incarcerated individual
2 program associate for no less than two years; or
3 (iv) receives a certification from the state department of labor for
4 his or her successful participation in an apprenticeship program; or
5 (v) successfully works as an [~~inmate~~] incarcerated individual hospice
6 aid for a period of no less than two years; or
7 (vi) successfully works in the division of correctional industries'
8 optical program for no less than two years and receives a certification
9 as an optician from the American board of opticianry; or
10 (vii) receives an asbestos handling certificate from the department of
11 labor upon successful completion of the training program and then works
12 in the division of correctional industries' asbestos abatement program
13 as a hazardous materials removal worker or group leader for no less than
14 eighteen months; or
15 (viii) successfully completes the course curriculum and passes the
16 minimum competency screening process performance examination for sign
17 language interpreter, and then works as a sign language interpreter for
18 deaf [~~inmates~~] incarcerated individuals for no less than one year; or
19 (ix) successfully works in the puppies behind bars program for a peri-
20 od of no less than two years; or
21 (x) successfully participates in a vocational culinary arts program
22 for a period of no less than two years and earns a servsafe certificate
23 that is recognized by the national restaurant association; or
24 (xi) successfully completes the four hundred ninety hour training
25 program while assigned to a department of motor vehicles call center,
26 and continues to work at such call center for an additional twenty-one
27 months; or
28 (xii) receives a certificate from the food production center in an
29 assigned position following the completion of no less than eight hundred
30 hours of work in such position, and continues to work for an additional
31 eighteen months at the food production center.
32 (e) "disqualifying judicial determination" means a judicial determi-
33 nation that the person, while an [~~inmate~~] incarcerated individual,
34 commenced or continued a civil action or proceeding or claim that was
35 found to be frivolous as defined in subdivision (c) of section eight
36 thousand three hundred three-a of the civil practice law and rules, or
37 an order of a federal court pursuant to rule 11 of the federal rules of
38 civil procedure imposing sanctions in an action commenced by a person
39 while an [~~inmate~~] incarcerated individual against a state agency, offi-
40 cer or employee.

41 3. No person shall have the right to demand or require the credit
42 authorized by this section. The commissioner may revoke at any time such
43 credit for any disciplinary infraction committed by the [~~inmate~~] incar-
44 cerated individual or for any failure to continue to participate
45 successfully in any assigned work and treatment program after the
46 certificate of earned eligibility has been awarded. Any action by the
47 commissioner pursuant to this section shall be deemed a judicial func-
48 tion and shall not be reviewable if done in accordance with law.

49 § 226. Section 805 of the correction law, as amended by section 4 of
50 part E of chapter 62 of the laws of 2003, is amended to read as follows:
51 § 805. Earned eligibility program. Persons committed to the custody of
52 the department under an indeterminate or determinate sentence of impri-
53 sonment shall be assigned a work and treatment program as soon as prac-
54 ticable. No earlier than two months prior to the [~~inmate's~~] incarcerated
55 individual's eligibility to be paroled pursuant to subdivision one of
56 section 70.40 of the penal law, the commissioner shall review the

1 [~~inmate's~~] incarcerated individual's institutional record to determine
2 whether he or she has complied with the assigned program. If the commis-
3 sioner determines that the [~~inmate~~] incarcerated individual has success-
4 fully participated in the program he or she may issue the [~~inmate~~]
5 incarcerated individual a certificate of earned eligibility. Notwith-
6 standing any other provision of law, an [~~inmate~~] incarcerated individual
7 who is serving a sentence with a minimum term of not more than eight
8 years and who has been issued a certificate of earned eligibility, shall
9 be granted parole release at the expiration of his or her minimum term
10 or as authorized by subdivision four of section eight hundred sixty-sev-
11 en of this chapter unless the board of parole determines that there is a
12 reasonable probability that, if such [~~inmate~~] incarcerated individual is
13 released, he or she will not live and remain at liberty without violat-
14 ing the law and that his or her release is not compatible with the
15 welfare of society. Any action by the commissioner pursuant to this
16 section shall be deemed a judicial function and shall not be reviewable
17 if done in accordance with law.

18 § 226-a. Section 805 of the correction law, as amended by chapter 262
19 of the laws of 1987, is amended to read as follows:

20 § 805. Earned eligibility program. Persons committed to the custody of
21 the department under an indeterminate sentence of imprisonment shall be
22 assigned a work and treatment program as soon as practicable. No earlier
23 than two months prior to the expiration of an [~~inmate's~~] incarcerated
24 individual's minimum period of imprisonment, the commissioner shall
25 review the [~~inmate's~~] incarcerated individual's institutional record to
26 determine whether he or she has complied with the assigned program. If
27 the commissioner determines that the [~~inmate~~] incarcerated individual
28 has successfully participated in the program he or she may issue the
29 [~~inmate~~] incarcerated individual a certificate of earned eligibility.
30 Notwithstanding any other provision of law, an [~~inmate~~] incarcerated
31 individual who is serving a sentence with a minimum term of not more
32 than six years and who has been issued a certificate of earned eligibil-
33 ity, shall be granted parole release at the expiration of his or her
34 minimum term or as authorized by subdivision four of section eight
35 hundred sixty-seven unless the board of parole determines that there is
36 a reasonable probability that, if such [~~inmate~~] incarcerated individual
37 is released, he or she will not live and remain at liberty without
38 violating the law and that his or her release is not compatible with the
39 welfare of society. Any action by the commissioner pursuant to this
40 section shall be deemed a judicial function and shall not be reviewable
41 if done in accordance with law.

42 § 227. Section 806 of the correction law, as added by section 5 of
43 part E of chapter 62 of the laws of 2003, subdivision 3 as amended by
44 section 40 of subpart B of part C of chapter 62 of the laws of 2011 and
45 subdivision 6 as amended by chapter 45 of the laws of 2012, is amended
46 to read as follows:

47 § 806. Presumptive release program for nonviolent [~~inmates~~] incarcer-
48 ated individuals. 1. Notwithstanding any other provision of law to the
49 contrary and except as provided in subdivision two of this section, an
50 [~~inmate~~] incarcerated individual who has been awarded a certificate of
51 earned eligibility by the commissioner as set forth in section eight
52 hundred five of this article may be entitled to presumptive release at
53 the expiration of the minimum or aggregate minimum period of his or her
54 indeterminate term of imprisonment, provided that:

55 (i) the [~~inmate~~] incarcerated individual has not been convicted previ-
56 ously of, nor is presently serving a sentence imposed for a class A-I

1 felony, a violent felony offense as defined in section 70.02 of the
2 penal law, manslaughter in the second degree, vehicular manslaughter in
3 the second degree, vehicular manslaughter in the first degree, criminal-
4 ly negligent homicide, an offense defined in article one hundred thirty
5 of the penal law, incest, or an offense defined in article two hundred
6 sixty-three of the penal law,

7 (ii) the ~~[inmate]~~ incarcerated individual has not committed any seri-
8 ous disciplinary infraction, and

9 (iii) there has been no judicial determination that the person while
10 an ~~[inmate]~~ incarcerated individual commenced or continued a civil
11 action, proceeding or claim that was found to be frivolous as defined in
12 subdivision (c) of section eight thousand three hundred three-a of the
13 civil practice law and rules, or an order has not been issued by a
14 federal court pursuant to rule 11 of the federal rules of civil proce-
15 dure imposing sanctions in an action commenced by the ~~[inmate]~~ incarcer-
16 ated individual against a state agency, officer or employee.

17 2. In the case of an ~~[inmate]~~ incarcerated individual who meets the
18 criteria set forth in subdivision one of this section and who also meets
19 the criteria for merit time as provided for in paragraph (d) of subdivi-
20 sion one of section eight hundred three of this article, such ~~[inmate]~~
21 incarcerated individual may be entitled to presumptive release, as
22 provided in this section, at the expiration of five-sixths of the mini-
23 mum or aggregate minimum period of his or her indeterminate term of
24 imprisonment.

25 3. Any ~~[inmate]~~ incarcerated individual eligible for presumptive
26 release pursuant to this section shall be required to apply for such
27 release pursuant to section two hundred six of this chapter.

28 4. The commissioner shall promulgate rules and regulations for the
29 granting, withholding, cancellation and rescission of presumptive release
30 authorized by this section in accordance with law.

31 5. No person shall have the right to demand or require presumptive
32 release authorized by this section. The commissioner may revoke at any
33 time an ~~[inmate's]~~ incarcerated individual's scheduled presumptive
34 release pursuant to this section for any disciplinary infraction commit-
35 ted by the ~~[inmate]~~ incarcerated individual or for any failure to
36 continue to participate successfully in any assigned work and treatment
37 program after the certificate of earned eligibility has been awarded.
38 The commissioner may deny presumptive release to any ~~[inmate]~~ incarcer-
39 ated individual whenever the commissioner determines that such release
40 may not be consistent with the safety of the community or the welfare of
41 the ~~[inmate]~~ incarcerated individual. Any action by the commissioner
42 pursuant to this section shall be deemed a judicial function and shall
43 not be reviewable if done in accordance with law.

44 6. Any eligible ~~[inmate]~~ incarcerated individual who is not released
45 pursuant to subdivision one or two of this section shall be considered
46 for discretionary release on parole pursuant to the provisions of
47 section eight hundred five of this article or section two hundred
48 fifty-nine-i of the executive law, whichever is applicable.

49 7. Any reference to parole and conditional release in this chapter
50 shall also be deemed to include presumptive release.

51 § 228. Subdivision 2 of section 851 of the correction law, as amended
52 by chapter 60 of the laws of 1994, the opening paragraph as amended by
53 chapter 320 of the laws of 2006 and the closing paragraph as amended by
54 section 42 of subpart B of part C of chapter 62 of the laws of 2011, is
55 amended to read as follows:

1 2. "Eligible [~~inmate~~] incarcerated individual" means: a person
2 confined in an institution who is eligible for release on parole or who
3 will become eligible for release on parole or conditional release within
4 two years. Provided, however, that a person under sentence for an
5 offense defined in paragraphs (a) and (b) of subdivision one of section
6 70.02 of the penal law, where such offense involved the use or threat-
7 ened use of a deadly weapon or dangerous instrument shall not be eligi-
8 ble to participate in a work release program until he or she is eligible
9 for release on parole or who will be eligible for release on parole or
10 conditional release within eighteen months. Provided, further, however,
11 that a person under a determinate sentence as a second felony drug
12 offender for a class B felony offense defined in article two hundred
13 twenty of the penal law, who was sentenced pursuant to section 70.70 of
14 such law, shall not be eligible to participate in a temporary release
15 program until the time served under imprisonment for his or her determi-
16 nate sentence, including any jail time credited pursuant to the
17 provisions of article seventy of the penal law, shall be at least eigh-
18 teen months. In the case of a person serving an indeterminate sentence
19 of imprisonment imposed pursuant to the penal law in effect after
20 September one, nineteen hundred sixty-seven, for the purposes of this
21 article parole eligibility shall be upon the expiration of the minimum
22 period of imprisonment fixed by the court or where the court has not
23 fixed any period, after service of the minimum period fixed by the state
24 board of parole. If an [~~inmate~~] incarcerated individual is denied
25 release on parole, such [~~inmate~~] incarcerated individual shall not be
26 deemed an eligible [~~inmate~~] incarcerated individual until he or she is
27 within two years of his or her next scheduled appearance before the
28 state parole board. In any case where an [~~inmate~~] incarcerated individ-
29 ual is denied release on parole while participating in a temporary
30 release program, the department shall review the status of the [~~inmate~~]
31 incarcerated individual to determine if continued placement in the
32 program is appropriate. No person convicted of any escape or absconding
33 offense defined in article two hundred five of the penal law shall be
34 eligible for temporary release. Further, no person under sentence for
35 aggravated harassment of an employee by an [~~inmate~~] incarcerated indi-
36 vidual as defined in section 240.32 of the penal law for, any homicide
37 offense defined in article one hundred twenty-five of the penal law, for
38 any sex offense defined in article one hundred thirty of the penal law,
39 or for an offense defined in section 255.25, 255.26 or 255.27 of the
40 penal law shall be eligible to participate in a work release program as
41 defined in subdivision three of this section. Nor shall any person under
42 sentence for any sex offense defined in article one hundred thirty of
43 the penal law be eligible to participate in a community services program
44 as defined in subdivision five of this section. Notwithstanding the
45 foregoing, no person who is an otherwise eligible [~~inmate~~] incarcerated
46 individual who is under sentence for a crime involving: (a) infliction
47 of serious physical injury upon another as defined in the penal law or
48 (b) any other offense involving the use or threatened use of a deadly
49 weapon may participate in a temporary release program without the writ-
50 ten approval of the commissioner. The commissioner shall promulgate
51 regulations giving direction to the temporary release committee at each
52 institution in order to aid such committees in carrying out this
53 mandate.

54 The governor, by executive order, may exclude or limit the partic-
55 ipation of any class of otherwise eligible [~~inmates~~] incarcerated indi-
56 viduals from participation in a temporary release program. Nothing in

1 this paragraph shall be construed to affect either the validity of any
2 executive order previously issued limiting the participation of other-
3 wise eligible [~~inmates~~] incarcerated individuals in such program or the
4 authority of the commissioner to impose appropriate regulations limiting
5 such participation.

6 § 228-a. Subdivisions 2-a, 3, 4, 5, 6, 7, 8 and 10 of section 851 of
7 the correction law, subdivision 2-a as added by chapter 251 of the laws
8 of 2002, subdivision 3 as amended by chapter 60 of the laws of 1994,
9 subdivisions 4, 5, 6, 7, 8 and 10 as amended by chapter 691 of the laws
10 of 1977 and paragraph (a) of subdivision 6 as amended by chapter 107 of
11 the laws of 1983, are amended to read as follows:

12 2-a. Notwithstanding subdivision two of this section, the term "eligi-
13 ble [~~inmate~~] incarcerated individual" shall also include a person
14 confined in an institution who is eligible for release on parole or who
15 will become eligible for release on parole or conditional release within
16 two years, and who was convicted of a homicide offense as defined in
17 article one hundred twenty-five of the penal law or an assault offense
18 defined in article one hundred twenty of the penal law, and who can
19 demonstrate to the commissioner that: (a) the victim of such homicide or
20 assault was a member of the [~~inmate's~~] incarcerated individual's immedi-
21 ate family as that term is defined in section 120.40 of the penal law or
22 had a child in common with the [~~inmate~~] incarcerated individual; (b) the
23 [~~inmate~~] incarcerated individual was subjected to substantial physical,
24 sexual or psychological abuse committed by the victim of such homicide
25 or assault; and (c) such abuse was a substantial factor in causing the
26 [~~inmate~~] incarcerated individual to commit such homicide or assault.
27 With respect to an [~~inmate's~~] incarcerated individual's claim that he or
28 she was subjected to substantial physical, sexual or psychological abuse
29 committed by the victim, such demonstration shall include corroborative
30 material that may include, but is not limited to, witness statements,
31 social services records, hospital records, law enforcement records and a
32 showing based in part on documentation prepared at or near the time of
33 the commission of the offense or the prosecution thereof tending to
34 support the [~~inmate's~~] incarcerated individual's claim. Prior to making
35 a determination under this subdivision, the commissioner is required to
36 request and take into consideration the opinion of the district attorney
37 who prosecuted the underlying homicide or assault offense and the opin-
38 ion of the sentencing court. If such opinions are received within
39 forty-five days of the request, the commissioner shall take them into
40 consideration. If such opinions are not so received, the commissioner
41 may proceed with the determination. Any action by the commissioner
42 pursuant to this subdivision shall be deemed a judicial function and
43 shall not be reviewable in any court.

44 3. "Work release program" means a program under which eligible
45 [~~inmates~~] incarcerated individuals may be granted the privilege of leav-
46 ing the premises of an institution for a period not exceeding fourteen
47 hours in any day for the purpose of on-the-job training or employment,
48 or for any matter necessary to the furtherance of any such purposes. No
49 person shall be released into a work release program unless prior to
50 release such person has a reasonable assurance of a job training program
51 or employment. If after release, such person ceases to be employed or
52 ceases to participate in the training program, the [~~inmate's~~] incarcer-
53 ated individual's privilege to participate in such work release program
54 may be revoked in accordance with rules and regulations promulgated by
55 the commissioner.

1 4. "Furlough program" means a program under which eligible [~~inmates~~
2 incarcerated individuals] may be granted the privilege of leaving the
3 premises of an institution for a period not exceeding seven days for the
4 purpose of seeking employment, maintaining family ties, solving family
5 problems, seeking post-release housing, attending a short-term educa-
6 tional or vocational training course, or for any matter necessary to the
7 furtherance of any such purposes.

8 5. "Community services program" means a program under which eligible
9 [~~inmates~~] incarcerated individuals may be granted the privilege of leav-
10 ing the premises of an institution for a period not exceeding fourteen
11 hours in any day for the purpose of participation in religious services,
12 volunteer work, or athletic events, or for any matter necessary to the
13 furtherance of any such purposes.

14 6. "Leave of absence" means a privilege granted to an [~~inmate~~] incar-
15 cerated individual, who need not be an "eligible [~~inmate~~] incarcerated
16 individual," to leave the premises of an institution for the period of
17 time necessary:

18 (a) to visit his or her spouse, child, brother, sister, grandchild,
19 parent, grandparent or ancestral aunt or uncle during his or her last
20 illness if death appears to be imminent;

21 (b) to attend the funeral of such individual;

22 (c) to undergo surgery or to receive medical or dental treatment not
23 available in the correctional institution only if deemed absolutely
24 necessary to the health and well-being of the [~~inmate~~] incarcerated
25 individual and whose approval is granted by the commissioner or his or
26 her designated representative.

27 7. "Educational leave" means a privilege granted to an eligible
28 [~~inmate~~] incarcerated individual to leave the premises of an institution
29 for a period not exceeding fourteen hours in any day for the purpose of
30 education or vocational training, or for any matter necessary to the
31 furtherance of any such purposes.

32 8. "Industrial training leave" means a privilege granted to an eligi-
33 ble [~~inmate~~] incarcerated individual to leave the premises of an insti-
34 tution for a period not exceeding fourteen hours in any day for the
35 purpose of participating in an industrial training program, or for any
36 matter necessary to the furtherance of any such purpose.

37 10. "Extended bounds of confinement" means the area in which an
38 [~~inmate~~] incarcerated individual participating in a temporary release
39 program may travel, the routes he or she is permitted to use, the places
40 he or she is authorized to visit, and the hours, days, or specially
41 defined period during which he or she is permitted to be absent from the
42 premises of the institution.

43 § 228-b. Subdivision 2 of section 851 of the correction law, as
44 amended by chapter 447 of the laws of 1991, the opening paragraph as
45 amended by chapter 252 of the laws of 2005 and the closing paragraph as
46 amended by section 43 of subpart B of part C of chapter 62 of the laws
47 of 2011, is amended to read as follows:

48 2. "Eligible [~~inmate~~] incarcerated individual" means: a person
49 confined in an institution who is eligible for release on parole or who
50 will become eligible for release on parole or conditional release within
51 two years. Provided, that a person under a determinate sentence as a
52 second felony drug offender for a class B felony offense defined in
53 article two hundred twenty of the penal law, who was sentenced pursuant
54 to section 70.70 of such law, shall not be eligible to participate in a
55 temporary release program until the time served under imprisonment for
56 his or her determinate sentence, including any jail time credited pursu-

1 ant to the provisions of article seventy of the penal law, shall be at
2 least eighteen months. In the case of a person serving an indeterminate
3 sentence of imprisonment imposed pursuant to the penal law in effect
4 after September one, nineteen hundred sixty-seven, for the purposes of
5 this article parole eligibility shall be upon the expiration of the
6 minimum period of imprisonment fixed by the court or where the court has
7 not fixed any period, after service of the minimum period fixed by the
8 state board of parole. If an [~~inmate~~] incarcerated individual is denied
9 release on parole, such [~~inmate~~] incarcerated individual shall not be
10 deemed an eligible [~~inmate~~] incarcerated individual until he or she is
11 within two years of his or her next scheduled appearance before the
12 state parole board. In any case where an [~~inmate~~] incarcerated individ-
13 ual is denied release on parole while participating in a temporary
14 release program, the department shall review the status of the [~~inmate~~]
15 incarcerated individual to determine if continued placement in the
16 program is appropriate. No person convicted of any escape or absconding
17 offense defined in article two hundred five of the penal law shall be
18 eligible for temporary release. Nor shall any person under sentence for
19 any sex offense defined in article one hundred thirty of the penal law
20 be eligible to participate in a community services program as defined in
21 subdivision five of this section. Notwithstanding the foregoing, no
22 person who is an otherwise eligible [~~inmate~~] incarcerated individual who
23 is under sentence for a crime involving: (a) infliction of serious phys-
24 ical injury upon another as defined in the penal law, (b) a sex offense
25 involving forcible compulsion, or (c) any other offense involving the
26 use or threatened use of a deadly weapon may participate in a temporary
27 release program without the written approval of the commissioner. The
28 commissioner shall promulgate regulations giving direction to the tempo-
29 rary release committee at each institution in order to aid such commit-
30 tees in carrying out this mandate.

31 The governor, by executive order, may exclude or limit the partic-
32 ipation of any class of otherwise eligible [~~inmates~~] incarcerated indi-
33 viduals from participation in a temporary release program. Nothing in
34 this paragraph shall be construed to affect either the validity of any
35 executive order previously issued limiting the participation of other-
36 wise eligible [~~inmates~~] incarcerated individuals in such program or the
37 authority of the commissioner to impose appropriate regulations limiting
38 such participation.

39 § 228-c. Subdivisions 3, 4, 5, 6, 7, 8 and 10 of section 851 of the
40 correction law, subdivision 3 as added by chapter 60 of the laws of
41 1994, subdivisions 4, 5, 6, 7, 8 and 10 as amended by chapter 691 of the
42 laws of 1977 and paragraph (a) of subdivision 6 as amended by chapter
43 107 of the laws of 1983, are amended to read as follows:

44 3. "Work release program" means a program under which eligible
45 [~~inmates~~] incarcerated individuals may be granted the privilege of leav-
46 ing the premises of an institution for a period not exceeding fourteen
47 hours in any day for the purpose of on-the-job training or employment,
48 or for any matter necessary to the furtherance of any such purposes. No
49 person shall be released into a work release program unless prior to
50 release such person has a reasonable assurance of a job training program
51 or employment. If after release, such person ceases to be employed or
52 ceases to participate in the training program, the [~~inmate's~~] incarcer-
53 ated individual's privilege to participate in such work release program
54 may be revoked in accordance with rules and regulations promulgated by
55 the commissioner.

1 4. "Furlough program" means a program under which eligible [~~inmates~~
2 incarcerated individuals] may be granted the privilege of leaving the
3 premises of an institution for a period not exceeding seven days for the
4 purpose of seeking employment, maintaining family ties, solving family
5 problems, seeking post-release housing, attending a short-term educa-
6 tional or vocational training course, or for any matter necessary to the
7 furtherance of any such purposes.

8 5. "Community services program" means a program under which eligible
9 [~~inmates~~] incarcerated individuals may be granted the privilege of leav-
10 ing the premises of an institution for a period not exceeding fourteen
11 hours in any day for the purpose of participation in religious services,
12 volunteer work, or athletic events, or for any matter necessary to the
13 furtherance of any such purposes.

14 6. "Leave of absence" means a privilege granted to an [~~inmate~~] incar-
15 cerated individual, who need not be an "eligible [~~inmate~~] incarcerated
16 individual," to leave the premises of an institution for the period of
17 time necessary:

18 (a) to visit his or her spouse, child, brother, sister, grandchild,
19 parent, grandparent or ancestral aunt or uncle during his or her last
20 illness if death appears to be imminent;

21 (b) to attend the funeral of such individual;

22 (c) to undergo surgery or to receive medical or dental treatment not
23 available in the correctional institution only if deemed absolutely
24 necessary to the health and well-being of the [~~inmate~~] incarcerated
25 individual and whose approval is granted by the commissioner or his or
26 her designated representative.

27 7. "Educational leave" means a privilege granted to an eligible
28 [~~inmate~~] incarcerated individual to leave the premises of an institution
29 for a period not exceeding fourteen hours in any day for the purpose of
30 education or vocational training, or for any matter necessary to the
31 furtherance of any such purposes.

32 8. "Industrial training leave" means a privilege granted to an eligi-
33 ble [~~inmate~~] incarcerated individual to leave the premises of an insti-
34 tution for a period not exceeding fourteen hours in any day for the
35 purpose of participating in an industrial training program, or for any
36 matter necessary to the furtherance of any such purpose.

37 10. "Extended bounds of confinement" means the area in which an
38 [~~inmate~~] incarcerated individual participating in a temporary release
39 program may travel, the routes he or she is permitted to use, the places
40 he or she is authorized to visit, and the hours, days, or specially
41 defined period during which he or she is permitted to be absent from the
42 premises of the institution.

43 § 228-d. Subdivisions 2, 3 and 4 of section 851 of the correction law,
44 as added by chapter 472 of the laws of 1969, are amended to read as
45 follows:

46 2. "Eligible [~~inmate~~] incarcerated individual" means a person confined
47 in an institution where a work release program has been established who
48 is eligible for release on parole or who will become eligible for
49 release on parole within one year.

50 3. "Work release program" means a program under which eligible
51 [~~inmates~~] incarcerated individual may be granted the privilege of leav-
52 ing the premises of an institution for the purpose of education, on-the-
53 job training or employment.

54 4. "Extended bounds of confinement" means the area in which an
55 [~~inmate~~] incarcerated individual participating in a work release program
56 may travel, the routes he or she is permitted to use, the places he or

1 she is authorized to visit, and the hours, not exceeding fourteen hours
2 in any day, he or she is permitted to be absent from the premises of the
3 institution.

4 § 229. Subdivisions 1, 3, 4 and 5 of section 852 of the correction
5 law, subdivisions 1, 3 and 4 as amended by chapter 691 of the laws of
6 1977 and subdivision 5 as amended by section 44 of subpart B of part C
7 of chapter 62 of the laws of 2011, are amended to read as follows:

8 1. The commissioner, guided by consideration for the safety of the
9 community and the welfare of the [~~inmate~~] incarcerated individual, shall
10 review and evaluate all existing rules, regulations and directives
11 relating to current temporary release programs and consistent with the
12 provisions of this article for the administration of temporary release
13 programs shall by January first, nineteen hundred seventy-eight promul-
14 gate new rules and regulations for the various forms of temporary
15 release. Such rules and regulations shall reflect the purposes of the
16 different programs and shall include but not be limited to selection
17 criteria, supervision and procedures for the disposition of each appli-
18 cation.

19 3. Work release programs may be established only at institutions clas-
20 sified by the commissioner as work release facilities. Educational
21 release programs may be established only at those educational insti-
22 tutions which shall maintain attendance records for participating
23 [~~inmates~~] incarcerated individuals.

24 4. The commissioner shall designate in the rules and regulations of
25 the department appropriate employees or an appropriate unit of the
26 department to be responsible for (a) securing education, on-the-job
27 training and employment opportunities for [~~inmates~~] incarcerated indi-
28 viduals who are eligible to participate in a work release program, and
29 (b) assisting such [~~inmates~~] incarcerated individuals in such other
30 manner as necessary or desirable to assure the success of the program.

31 5. All [~~inmates~~] incarcerated individuals participating in temporary
32 release programs shall be assigned to parole officers for supervision.
33 As part of the parole officer's supervisory functions he or she shall be
34 required to provide reports every two months on each [~~inmate~~] incar-
35 ated individual under his or her supervision. Such reports shall
36 include but not be limited to:

- 37 (a) an evaluation of the individual's participation in such program;
38 (b) a statement of any problems and the manner in which such problems
39 were resolved relative to an individual's participation in such
40 programs; and
41 (c) a recommendation with respect to the individual's continued
42 participation in the program.

43 § 229-a. Subdivision 2 of section 852 of the correction law, as
44 amended by section 45 of subpart B of part C of chapter 62 of the laws
45 of 2011, is amended to read as follows:

46 2. The department shall be responsible for securing appropriate educa-
47 tion, on-the-job training and employment opportunities for eligible
48 [~~inmates~~] incarcerated individuals and shall supervise [~~inmates~~] incar-
49 cerated individuals during their participation in work release programs
50 outside the premises of institutions.

51 § 230. Subdivisions (a), (b), (e) and (f) of section 853 of the
52 correction law, as amended by chapter 757 of the laws of 1981, are
53 amended to read as follows:

- 54 (a) number of [~~inmate~~] incarcerated individual participants in each
55 temporary release program;

1 (b) number of [~~inmates~~] incarcerated individuals participating in
2 temporary release for whom written approval of the commissioner was
3 required pursuant to subdivision two of section eight hundred fifty-one
4 of this chapter;

5 (e) number of [~~inmates~~] incarcerated individuals arrested;

6 (f) [~~inmates~~] incarcerated individuals involuntarily returned for
7 violations by institution;

8 § 231. Section 855 of the correction law, as amended by chapter 691 of
9 the laws of 1977, subdivision 6 as amended by section 47 of subpart B of
10 part C of chapter 62 of the laws of 2011, is amended to read as follows:

11 § 855. Procedure for temporary release of [~~inmates~~] incarcerated indi-
12 viduals. 1. A person confined in an institution designated for the
13 conduct of work release programs who is an eligible [~~inmate~~] incarcerat-
14 ed individual, may make application to the temporary release committee
15 of the institution for permission to participate in a work release
16 program.

17 2. Any eligible [~~inmate~~] incarcerated individual may make application
18 to the temporary release committee for participation in a furlough
19 program or community services program, or for an industrial training
20 leave or educational leave.

21 3. Any [~~inmate~~] incarcerated individual may make application to the
22 temporary release committee for a leave of absence provided, however,
23 that in exigent circumstances such application may be made directly to
24 the superintendent of the institution and the superintendent may exer-
25 cise all of the powers of the temporary release committee subject,
26 however, to any limitation or requirement set forth in the rules and
27 regulations of the department and subject further to the discretion of
28 the commissioner. All leave of absences provided in exigent circum-
29 stances shall state the reasons for approval or disapproval of the
30 application and shall be included in the [~~inmate's~~] incarcerated indi-
31 vidual's institutional parole file.

32 4. If the temporary release committee determines that a temporary
33 release program for the applicant is consistent with the safety of the
34 community and the welfare of the applicant, and is consistent with rules
35 and regulations of the department, the committee, with the assistance of
36 the employees or unit designated by the commissioner pursuant to subdi-
37 vision four of section eight hundred fifty-two of this article, shall
38 develop a suitable program of temporary release for the applicant.
39 Consistent with these provisions, any educational leave program shall
40 consider the scheduling of classes to insure a reduction of release time
41 not spent in educational pursuits.

42 5. The committee shall then prepare a memorandum setting forth the
43 details of the temporary release program including the extended bounds
44 of confinement and any other matter required by rules or regulations of
45 the department. Such memorandum shall be transmitted to the superinten-
46 dent who may approve or reject the program, subject to rules and regu-
47 lations promulgated by the commissioner. If the superintendent approves
48 the program, he or she shall indicate such approval in writing by sign-
49 ing the memorandum. If the superintendent rejects the program, he or she
50 shall state his or her reasons in writing and a copy of his or her
51 statement shall be given to the [~~inmate~~] incarcerated individual and to
52 the commissioner and such decision shall be reviewed by the commission-
53 er. If the commissioner rejects the program, he or she shall state his
54 or her reasons in writing. A copy of such statement shall be filed in
55 the [~~inmate's~~] incarcerated individual's institutional file.

1 6. In order for an applicant to accept a program of temporary release,
2 such [~~inmate~~] incarcerated individual shall agree to be bound by all the
3 terms and conditions thereof and shall indicate such agreement by sign-
4 ing the memorandum of the program immediately below a statement reading
5 as follows: "I accept the foregoing program and agree to be bound by the
6 terms and conditions thereof. I understand that I will be under the
7 supervision of the state department of corrections and community super-
8 vision while I am away from the premises of the institution and I agree
9 to comply with the instructions of any parole officer or other employee
10 of the department assigned to supervise me. I understand that my partic-
11 ipation in the program is a privilege which may be revoked at any time,
12 and that if I violate any provision of the program I may be taken into
13 custody by any peace officer or police officer and I will be subject to
14 disciplinary procedures. I further understand that if I intentionally
15 fail to return to the institution at or before the time specified in the
16 memorandum I may be found guilty of a felony." Such agreement shall be
17 placed on file at the institution from which such temporary release is
18 granted.

19 7. After approving the program of temporary release, the superinten-
20 dent may then permit an [~~inmate~~] incarcerated individual who has
21 accepted such program to go outside the premises of the institution
22 within the limits of the extended bounds of confinement described in the
23 memorandum; provided, however, that no such permission shall become
24 effective in the case of a work release or furlough program prior to the
25 time at which the person to be released becomes an eligible [~~inmate~~]
26 incarcerated individual.

27 8. At least three days before releasing an [~~inmate~~] incarcerated indi-
28 vidual on a temporary release program, the superintendent shall notify
29 in writing the sheriff or chief of police of the community into which
30 the [~~inmate~~] incarcerated individual is to be released.

31 9. Participation in a temporary release program shall be a privilege.
32 Nothing contained in this article may be construed to confer upon any
33 [~~inmate~~] incarcerated individual the right to participate, or to contin-
34 ue to participate, in a temporary release program. The superintendent of
35 the institution may at any time, and upon recommendation of the tempo-
36 rary release committee or of the commissioner or of the chairman of the
37 state board of parole or his or her designee shall, revoke any
38 [~~inmate's~~] incarcerated individual's privilege to participate in a
39 program of temporary release in accordance with regulations promulgated
40 by the commissioner.

41 § 231-a. The section heading, subdivisions 1, 5 and 6 of section 853
42 of the correction law, as added by chapter 472 of the laws of 1969, are
43 amended to read as follows:

44 Procedure for release of eligible [~~inmates~~] incarcerated individuals.

45 1. A person confined in an institution designated for the conduct of
46 work release programs who is, or who within ninety days will become, an
47 eligible [~~inmate~~] incarcerated individual, may make application to the
48 work release committee of the institution for permission to participate
49 in a work release program.

50 5. After approving the program of work release, the warden may then
51 permit an eligible [~~inmate~~] incarcerated individual who has accepted
52 such program to go outside the premises of the institution within the
53 limits of the extended bounds of confinement described in the memoran-
54 dum.

55 6. Participation in a work release program shall be a privilege. Noth-
56 ing contained in this article may be construed to confer upon any

1 [~~inmate~~] incarcerated individual the right to participate, or to contin-
2 ue to participate, in a work release program. The warden of the institu-
3 tion may at any time, and upon recommendation of the work release
4 committee or of the chairman of the state board of parole or his or her
5 designee shall, revoke any [~~inmate's~~] incarcerated individual's privi-
6 lege to participate in a program of work release.

7 § 232. Section 856 of the correction law, as amended by chapter 691 of
8 the laws of 1977, subdivisions 1 and 4 as amended by chapter 843 of the
9 laws of 1980, is amended to read as follows:

10 § 856. Conduct of [~~inmates~~] incarcerated individuals participating in
11 a temporary release program. 1. An [~~inmate~~] incarcerated individual who
12 is permitted to leave the premises of an institution to participate in a
13 temporary release program shall have on his or her person a card identi-
14 fying him or her as a participant in a temporary release program as
15 signed by the superintendent of the institution at all times while
16 outside the premises of the institution and shall exhibit such card to
17 any peace officer or police officer upon request of such officer. The
18 commissioner may, by regulation, require such information, including
19 effective dates, to be included in such card as he or she shall deem
20 necessary and proper.

21 2. If the [~~inmate~~] incarcerated individual violates any provision of
22 the program, or any rule or regulation promulgated by the commissioner
23 for conduct of [~~inmates~~] incarcerated individuals participating in
24 temporary release programs, such [~~inmate~~] incarcerated individual shall
25 be subject to disciplinary measures to the same extent as if he or she
26 violated a rule or regulation of the commissioner for conduct of
27 [~~inmates~~] incarcerated individuals within the premises of the institu-
28 tion. The failure of an [~~inmate~~] incarcerated individual to voluntarily
29 return to the institution of his or her confinement more than ten hours
30 after his or her prescribed time of return shall create a rebuttable
31 presumption that the failure to return was intentional. Any [~~inmate~~]
32 incarcerated individual who is found to have intentionally failed to
33 return pursuant to this subdivision shall be an absconder in violation
34 of his or her temporary release program and will not be an eligible
35 [~~inmate~~] incarcerated individual as defined in subdivision two of
36 section eight hundred fifty-one of this chapter. The creation of such
37 rebuttable presumption shall not be admissible in any court of law as
38 evidence of the commission of any crime defined in the penal law. A full
39 report of any such violation, a summary of the facts and findings of the
40 disciplinary hearing and disciplinary measures taken, shall be made
41 available to the board for the [~~inmate's~~] incarcerated individual's next
42 scheduled appearance before the state board of parole including any
43 defense or explanation offered by the [~~inmate~~] incarcerated individual
44 in response at such hearing.

45 3. The provisions of this chapter relating to good behavior allowances
46 shall apply to behavior of [~~inmates~~] incarcerated individuals while
47 participating in temporary release programs outside the premises of
48 institutions, and such allowances may be granted, withheld, forfeited or
49 cancelled in whole or in part for behavior outside the premises of an
50 institution to the same extent and in the same manner as is provided for
51 behavior of [~~inmates~~] incarcerated individuals within the premises of
52 institutions.

53 4. An [~~inmate~~] incarcerated individual who is in violation of the
54 provisions of his or her temporary release program may be taken into
55 custody by any peace officer or police officer and, in such event, the
56 [~~inmate~~] incarcerated individual shall be returned forthwith to either

1 the institution that released him or her, or to the nearest secure
2 facility where greater security is indicated. In any case where the
3 institution is in a county other than the one in which the [~~inmate~~]
4 inarcerated individual is apprehended, the officer may deliver the
5 [~~inmate~~] inarcerated individual to the nearest institution, jail or
6 lockup and it shall be the duty of the person in charge of said facility
7 to hold such [~~inmate~~] inarcerated individual securely until such time
8 as he or she is delivered into the custody of an officer of the institu-
9 tion from which he or she was released. Upon delivering the [~~inmate~~]
10 inarcerated individual to an institution, jail or lockup, other than
11 the one from which the [~~inmate~~] inarcerated individual was released,
12 the officer who apprehended the [~~inmate~~] inarcerated individual shall
13 forthwith notify the superintendent of the institution from which the
14 [~~inmate~~] inarcerated individual was released and it shall be the duty
15 of the superintendent to effect the expeditious return of the [~~inmate~~]
16 inarcerated individual to the institution.

17 5. Upon the conclusion or termination of a temporary release program,
18 a full report of the [~~inmate's~~] inarcerated individual's performance in
19 such program shall be prepared in accordance with regulations of the
20 commissioner. Such report shall include but not be limited to: adjust-
21 ment to release, supervision contacts, statement of any violations of
22 the terms and conditions of release and of any disciplinary actions
23 taken, and an assessment of the [~~inmate's~~] inarcerated individual's
24 suitability for parole. Such report shall be made available to the state
25 board of parole for the [~~inmate's~~] inarcerated individual's next sched-
26 uled appearance before such board.

27 § 232-a. Section 854 of the correction law, as added by chapter 472 of
28 the laws of 1969, subdivision 2 as amended by section 46 of subpart B of
29 part C of section 62 of the laws of 2011, is amended to read as follows:

30 § 854. Conduct of [~~inmates~~] inarcerated individuals participating in
31 work release program. 1. An [~~inmate~~] inarcerated individual who is
32 permitted to leave the premises of an institution to participate in a
33 program of work release shall have on his or her person a copy of the
34 memorandum of that program as signed by the warden of the institution at
35 all times while outside the premises of the institution and shall exhib-
36 it such copy to any peace officer upon request of the officer.

37 2. If the [~~inmate~~] inarcerated individual violates any provision of
38 the program, or any rule or regulation promulgated by the commissioner
39 of corrections and community supervision for conduct of [~~inmates~~] inacar-
40 cerated individuals participating in work release programs, he or she
41 shall be subject to disciplinary measures to the same extent as if he or
42 she violated a rule or regulation of the commissioner for conduct of
43 [~~inmates~~] inarcerated individuals within the premises of the institu-
44 tion.

45 3. The provisions of this chapter relating to good behavior allowances
46 shall apply to behavior of [~~inmates~~] inarcerated individuals while
47 participating in work release programs outside the premises of insti-
48 tutions, and such allowances may be granted, withheld, forfeited or
49 cancelled in whole or in part for behavior outside the premises of an
50 institution to the same extent and in the same manner as is provided for
51 behavior of [~~inmates~~] inarcerated individuals within the premises of
52 institutions.

53 4. An [~~inmate~~] inarcerated individual who is in violation of the
54 provisions of his or her work release program may be taken into custody
55 by any peace officer and, in such event, the [~~inmate~~] inarcerated indi-
56 vidual shall be returned forthwith to the institution that released him

1 or her. In any case where the institution is in a county other than the
2 one in which the [~~inmate~~] incarcerated individual is apprehended, the
3 officer may deliver the [~~inmate~~] incarcerated individual to the nearest
4 institution, jail or lockup and it shall be the duty of the person in
5 charge of said facility to hold such [~~inmate~~] incarcerated individual
6 securely until such time as he or she is delivered into custody of an
7 officer of the institution from which he or she was released. Upon
8 delivering the [~~inmate~~] incarcerated individual to an institution, jail
9 or lockup, other than the one from which he or she was released, the
10 peace officer who apprehended the [~~inmate~~] incarcerated individual shall
11 forthwith notify the warden of the institution from which the [~~inmate~~]
12 incarcerated individual was released and it shall be the duty of the
13 warden to effect the expeditious return of the [~~inmate~~] incarcerated
14 individual to the institution.

15 § 233. Section 858 of the correction law, as added by chapter 472 of
16 the laws of 1969 and as renumbered by chapter 691 of the laws of 1977,
17 is amended to read as follows:

18 § 858. Application of labor laws. The laws of the state and its poli-
19 tical subdivisions with respect to employment conditions shall apply to
20 [~~inmates~~] incarcerated individuals participating in work release
21 programs.

22 § 234. Section 859 of the correction law, as added by chapter 472 of
23 the laws of 1969 and as renumbered by chapter 691 of the laws of 1977,
24 is amended to read as follows:

25 § 859. When employment prohibited. No employment under a work release
26 program may be approved or continued if (a) such employment results in
27 the displacement of employed workers, or is applied in skills, crafts or
28 trades in which there is a surplus of available labor in the locality,
29 or (b) the rates of pay and other conditions of employment are not at
30 least equal to those paid or provided for work of similar nature in the
31 locality in which the work is to be performed, or (c) there is any labor
32 strike or lockout in the establishment in which the [~~inmate~~] incarcerat-
33 ed individual is employed.

34 § 235. Section 860 of the correction law, as added by chapter 472 of
35 the laws of 1969 and as renumbered by chapter 691 of the laws of 1977,
36 subdivision 4 as added and subdivision 5 as renumbered by chapter 233 of
37 the laws of 1985, is amended to read as follows:

38 § 860. Disposition of earnings. The earnings of an [~~inmate~~] incarcer-
39 ated individual participating in a work release program, less any
40 payroll deductions required or authorized by law, shall be turned over
41 to the warden who shall deposit such receipts as [~~inmates'~~] incarcerated
42 individuals' funds pursuant to section one hundred sixteen of this chap-
43 ter. Such receipts shall not be subject to attachment or garnishment in
44 the hands of the warden. The commissioner of correction may authorize
45 the warden to make disbursements of such receipts, and such receipts may
46 be disbursed, for any or all of the following purposes:

- 47 1. Appropriate and reasonable costs related to the [~~inmate's~~] incar-
48 cerated individual's participation in the work release program;
- 49 2. Support of the [~~inmate's~~] incarcerated individual's dependents;
- 50 3. Payment of fines imposed by any court;
- 51 4. Payment of any court ordered restitution or reparation to the
52 victim of the [~~inmate's~~] incarcerated individual's crime.
- 53 5. Purchases by the [~~inmate~~] incarcerated individual from the commis-
54 sary of the institution.

1 The balance of such receipts, if any, after disbursements for the
2 foregoing purposes shall be paid to the [~~inmate~~] incarcerated individual
3 upon termination of his or her imprisonment.

4 § 236. Section 861 of the correction law, as added by chapter 472 of
5 the laws of 1969 and as renumbered by chapter 691 of the laws of 1977,
6 is amended to read as follows:

7 § 861. [~~Inmate~~] Incarcerated individual not agent of state. An
8 [~~inmate~~] incarcerated individual participating in a work release program
9 shall not, merely by reason of such participation, be deemed an agent,
10 employee or servant of the state while outside the premises of an insti-
11 tution pursuant to the terms of a work release program.

12 § 237. Subdivisions 1 and 2 of section 865 of the correction law,
13 subdivision 1 as amended by section 2 of part KK of chapter 55 of the
14 laws of 2019 and subdivision 2 as amended by section 2 of part L of
15 chapter 56 of the laws of 2009, are amended to read as follows:

16 1. "Eligible [~~inmate~~] incarcerated individual" means a person
17 sentenced to an indeterminate term of imprisonment who will become
18 eligible for release on parole within three years or sentenced to a
19 determinate term of imprisonment who will become eligible for condi-
20 tional release within three years, who has not reached the age of fifty
21 years, who has not previously been convicted of a violent felony as
22 defined in article seventy of the penal law, or a felony in any other
23 jurisdiction which includes all of the essential elements of any such
24 violent felony, upon which an indeterminate or determinate term of
25 imprisonment was imposed and who was between the ages of sixteen and
26 fifty years at the time of commission of the crime upon which his or her
27 present sentence was based. Notwithstanding the foregoing, no person who
28 is convicted of any of the following crimes shall be deemed eligible to
29 participate in this program: (a) a violent felony offense as defined in
30 article seventy of the penal law; provided, however, that a person who
31 is convicted of burglary in the second degree as defined in subdivision
32 two of section 140.25 of the penal law, or robbery in the second degree
33 as defined in subdivision one of section 160.10 of the penal law, or an
34 attempt thereof, is eligible to participate, (b) an A-I felony offense,
35 (c) any homicide offense as defined in article one hundred twenty-five
36 of the penal law, (d) any felony sex offense as defined in article one
37 hundred thirty of the penal law and (e) any escape or absconding offense
38 as defined in article two hundred five of the penal law.

39 2. "Shock incarceration program" means a program pursuant to which
40 eligible [~~inmates~~] incarcerated individuals are selected to participate
41 in the program and serve a period of six months in a shock incarceration
42 facility, which shall provide rigorous physical activity, intensive
43 regimentation and discipline and rehabilitation therapy and programming.
44 Such [~~inmates~~] incarcerated individuals may be selected either: (i) at a
45 reception center; or (ii) at a general confinement facility when the
46 otherwise eligible [~~inmate~~] incarcerated individual then becomes eligi-
47 ble for release on parole within three years in the case of an indeter-
48 minate term of imprisonment, or then becomes eligible for conditional
49 release within three years in the case of a determinate term of impri-
50 sonment.

51 § 238. Subdivisions 1 and 2 of section 866 of the correction law,
52 subdivision 1 as added by chapter 261 of the laws of 1987 and subdivi-
53 sion 2 as amended by section 3 of part L of chapter 56 of the laws of
54 2009, are amended to read as follows:

55 1. The commissioner, guided by consideration for the safety of the
56 community and the welfare of the [~~inmate~~] incarcerated individual, shall

1 promulgate rules and regulations for the shock incarceration program.
2 Such rules and regulations shall reflect the purpose of the program and
3 shall include, but not be limited to, selection criteria, [~~inmate~~]
4 incarcerated individual discipline, programming and supervision, and
5 program structure and administration.

6 2. The commissioner shall appoint or cause to be appointed a shock
7 incarceration selection committee at one or more designated correctional
8 facilities, which shall meet on a regularly scheduled basis to review
9 all eligible [~~inmates~~] incarcerated individuals transferred to such
10 facility for screening and all applications for the shock incarceration
11 program.

12 § 239. Section 867 of the correction law, as added by chapter 261 of
13 the laws of 1987, subdivision 1 as amended by chapter 55 of the laws of
14 1992, subdivision 2-a as added by section 2 of part AAA of chapter 56 of
15 the laws of 2009 and subdivision 4 as amended by chapter 738 of the laws
16 of 2004, is amended to read as follows:

17 § 867. Procedure for selection of participants in shock incarceration
18 program. 1. An eligible [~~inmate~~] incarcerated individual may make an
19 application to the shock incarceration screening committee for permis-
20 sion to participate in the shock incarceration program.

21 2. If the shock incarceration screening committee determines that an
22 [~~inmate's~~] incarcerated individual's participation in the shock incar-
23 ceration program is consistent with the safety of the community, the
24 welfare of the applicant and the rules and regulations of the depart-
25 ment, the committee shall forward the application to the commissioner or
26 his designee for approval or disapproval.

27 2-a. Subdivisions one and two of this section shall apply to a judi-
28 cially sentenced shock incarceration [~~inmate~~] incarcerated individual
29 only to the extent that the screening committee may determine whether
30 the [~~inmate~~] incarcerated individual has a medical or mental health
31 condition that will render the [~~inmate~~] incarcerated individual unable
32 to successfully complete the shock incarceration program, and the facil-
33 ity in which the [~~inmate~~] incarcerated individual will participate in
34 such program. Notwithstanding subdivision five of this section, an
35 [~~inmate~~] incarcerated individual sentenced to shock incarceration shall
36 promptly commence participation in the program when such [~~inmate~~] incar-
37 cerated individual is an eligible [~~inmate~~] incarcerated individual
38 pursuant to subdivision one of section eight hundred sixty-five of this
39 article.

40 3. Applicants cannot participate in the shock incarceration program
41 unless they agree to be bound by all the terms and conditions thereof
42 and indicate such agreement by signing the memorandum of the program
43 immediately below a statement reading as follows:

44 "I accept the foregoing program and agree to be bound by the terms and
45 conditions thereof. I understand that my participation in the program is
46 a privilege that may be revoked at any time at the sole discretion of
47 the commissioner. I understand that I must successfully complete the
48 entire program to obtain a certificate of earned eligibility upon the
49 completion of said program, and in the event that I do not successfully
50 complete said program, for any reason, I will be transferred to a
51 nonshock incarceration correctional facility to continue service of my
52 sentence."

53 4. An [~~inmate~~] incarcerated individual who has successfully completed
54 a shock incarceration program shall be eligible to receive such a
55 certificate of earned eligibility pursuant to section eight hundred five
56 of this chapter. Notwithstanding any other provision of law, an

1 [~~inmate~~] incarcerated individual sentenced to a determinate sentence of
2 imprisonment who has successfully completed a shock incarceration
3 program shall be eligible to receive such a certificate of earned eligi-
4 bility and shall be immediately eligible to be conditionally released.

5 5. Participation in the shock incarceration program shall be a privi-
6 lege. Nothing contained in this article may be construed to confer upon
7 any [~~inmate~~] incarcerated individual the right to participate or contin-
8 ue to participate therein.

9 § 240. Paragraph (h) of subdivision 5 of section 220.10 of the crimi-
10 nal procedure law, as added by chapter 92 of the laws of 1996, is
11 amended to read as follows:

12 (h) Where the indictment charges the class E felony offense of aggra-
13 vated harassment of an employee by an [~~inmate~~] incarcerated individual
14 as defined in section 240.32 of the penal law, then a plea of guilty
15 must include at least a plea of guilty to a class E felony.

16 § 241. The closing paragraph of subdivision 5 of section 420.10 of the
17 criminal procedure law, as separately amended by chapters 233 and 506 of
18 the laws of 1985, is amended to read as follows:

19 For the purposes of this subdivision, the court shall not determine
20 that the defendant is unable to pay the fine, restitution or reparation
21 ordered solely because of such defendant's incarceration but shall
22 consider all the defendant's sources of income including, but not limit-
23 ed to, moneys in the possession of an [~~inmate~~] incarcerated individual
24 at the time of his or her admission into such facility, funds earned by
25 him or her in a work release program as defined in subdivision four of
26 section one hundred fifty of the correction law, funds earned by him or
27 her as provided for in section one hundred eighty-seven of the
28 correction law and any other funds received by him or her or on his or
29 her behalf and deposited with the superintendent or the municipal offi-
30 cial of the facility where the person is confined.

31 § 242. Subdivision 1 of section 440.50 of the criminal procedure law,
32 as amended by chapter 193 of the laws of 2017, is amended to read as
33 follows:

34 1. Upon the request of a victim of a crime, or in any event in all
35 cases in which the final disposition includes a conviction of a violent
36 felony offense as defined in section 70.02 of the penal law, a felony
37 defined in article one hundred twenty-five of such law, or a felony
38 defined in article one hundred thirty of such law, the district attorney
39 shall, within sixty days of the final disposition of the case, inform
40 the victim by letter of such final disposition. If such final disposi-
41 tion results in the commitment of the defendant to the custody of the
42 department of corrections and community supervision for an indeterminate
43 sentence, the notice provided to the crime victim shall also inform the
44 victim of his or her right to submit a written, audiotaped, or vide-
45 otaped victim impact statement to the department of corrections and
46 community supervision or to meet personally with a member of the state
47 board of parole at a time and place separate from the personal interview
48 between a member or members of the board and the [~~inmate~~] incarcerated
49 individual and make such a statement, subject to procedures and limita-
50 tions contained in rules of the board, both pursuant to subdivision two
51 of section two hundred fifty-nine-i of the executive law. A copy of such
52 letter shall be provided to the board of parole. The right of the victim
53 under this subdivision to submit a written victim impact statement or to
54 meet personally with a member of the state board of parole applies to
55 each personal interview between a member or members of the board and the
56 [~~inmate~~] incarcerated individual.

1 § 243. Article VIII and paragraph 5 of article IX of section 580.20 of
2 the criminal procedure law are amended to read as follows:

3 ARTICLE VIII

4 This agreement shall enter into full force and effect as to a party
5 state when such state has enacted the same into law. A state party to
6 this agreement may withdraw herefrom by enacting a statute repealing the
7 same. However, the withdrawal of any state shall not affect the status
8 of any proceedings already initiated by [~~inmates~~] incarcerated individ-
9 uals or by state officers at the time such withdrawal takes effect, nor
10 shall it affect their rights in respect thereof.

11 5. It shall be lawful and mandatory upon the warden or other official
12 in charge of a penal or correctional institution in this state to give
13 over the person of any [~~inmate~~] incarcerated individual thereof whenever
14 so required by the operation of the agreement on detainees.

15 § 244. Section 2222-a of the surrogate's court procedure act, as
16 amended by section 167 of subpart B of part C of chapter 62 of the laws
17 of 2011, is amended to read as follows:

18 § 2222-a. Notice of legacy or distributive share payable to [~~inmate~~]
19 incarcerated individual or prisoner

20 Where the legatee, distributee or beneficiary is an [~~inmate~~] incarcer-
21 ated individual serving a sentence of imprisonment with the state
22 department of corrections and community supervision or a prisoner
23 confined at a local correctional facility, the court shall give prompt
24 written notice to the office of victim services, and at the same time
25 direct that no payment be made to such [~~inmate~~] incarcerated individual
26 or prisoner for a period of thirty days following the date of entry of
27 the order containing such direction.

28 § 245. Section 85 of the New York city criminal court act is amended
29 to read as follows:

30 § 85. Segregation of certain women. Whenever any woman is accused or
31 convicted before the court of any crime arising out of an industrial
32 dispute, such woman shall be segregated from the other [~~inmates~~] incar-
33 cerated individuals thereof in any jail, prison or institution to which
34 she may be committed.

35 § 246. Subdivision 9 of section 10 of the court of claims act, as
36 amended by section 67 of subpart B of part C of chapter 62 of the laws
37 of 2011, is amended to read as follows:

38 9. A claim of any [~~inmate~~] incarcerated individual in the custody of
39 the department of corrections and community supervision for recovery of
40 damages for injury to or loss of personal property may not be filed
41 unless and until the [~~inmate~~] incarcerated individual has exhausted the
42 personal property claims administrative remedy, established for
43 [~~inmates~~] incarcerated individuals by the department. Such claim must be
44 filed and served within one hundred twenty days after the date on which
45 the [~~inmate~~] incarcerated individual has exhausted such remedy.

46 § 247. Subdivision 6-a of section 20 of the court of claims act, as
47 amended by section 68 of subpart B of part C of chapter 62 of the laws
48 of 2011, is amended to read as follows:

49 6-a. Notwithstanding the provisions of subdivisions five, five-a and
50 six of this section, in any case where a judgment or any part thereof is
51 to be paid to an [~~inmate~~] incarcerated individual serving a sentence of
52 imprisonment with the state department of corrections and community
53 supervision or to a prisoner confined at a local correctional facility,
54 the comptroller shall give written notice, if required pursuant to
55 subdivision two of section six hundred thirty-two-a of the executive

1 law, to the office of victim services that such judgment shall be paid
2 thirty days after the date of such notice.

3 § 248. Section 20-a of the court of claims act, as amended by section
4 69 of subpart B of part C of chapter 62 of the laws of 2011, is amended
5 to read as follows:

6 § 20-a. Settlement of claims. Notwithstanding any inconsistent
7 provision of this act or of the state finance law, the comptroller shall
8 examine, audit, and certify for payment the settlement of any claim
9 filed in the court of claims for injuries to personal property, real
10 property, or for personal injuries caused by the tort of an officer or
11 employee of the state while acting as such officer or employee, provided
12 that a stipulation of settlement executed by the parties shall have been
13 approved by order of the court. No such stipulation shall be executed on
14 behalf of the state without, after consultation with the director of the
15 budget, the approval of the head of the department or agency having
16 supervision of the officer or employee alleged to have caused the inju-
17 ries and of the attorney general. The attorney general shall cause a
18 review to be made within the department of law of all cases filed in the
19 court of claims to determine which cases are appropriate for possible
20 settlement. Payment of any claim made pursuant to the approval of a
21 settlement by the court shall be made from the funds appropriated for
22 the purpose of payment of judgments against the state pursuant to
23 section twenty of this act. In any case where payment is to be made to
24 an [~~inmate~~] incarcerated individual serving a sentence of imprisonment
25 with the state department of corrections and community supervision or to
26 a prisoner confined at a local correctional facility, the procedures set
27 forth in subdivision six-a of section twenty of this article shall be
28 followed. On or before January fifteenth the comptroller, in consulta-
29 tion with the department of law and other agencies as may be appropri-
30 ate, shall submit to the governor and the legislature an annual account-
31 ing of settlements paid pursuant to this section during the preceding
32 and current fiscal years. Such accounting shall include, but not be
33 limited to the number, type and amount of claims so paid, as well as an
34 estimate of claims to be paid during the remainder of the current fiscal
35 year and during the following fiscal year.

36 § 249. Subdivision (f) of section 1101 of the civil practice law and
37 rules, as added by section 1 of part D of chapter 412 of the laws of
38 1999, subparagraph (i) of paragraph 1 and paragraph 3 as amended by
39 section 51 of subpart B of part C of chapter 62 of the laws of 2011, is
40 amended to read as follows:

41 (f) Fees for [~~inmates~~] incarcerated individuals. 1. Notwithstanding
42 any other provision of law to the contrary, a federal, state or local
43 [~~inmate~~] incarcerated individual under sentence for conviction of a
44 crime may seek to commence his or her action or proceeding by paying a
45 reduced filing fee as provided in paragraph two of this subdivision.
46 Such [~~inmate~~] incarcerated individual shall file the form affidavit
47 referred to in subdivision (d) of this section along with the summons
48 and complaint or summons with notice or third-party summons and
49 complaint or petition or notice of petition or order to show cause. As
50 part of such application, the [~~inmate~~] incarcerated individual shall
51 indicate the name and mailing address of the facility at which he or she
52 is confined along with the name and mailing address of any other feder-
53 al, state or local facility at which he or she was confined during the
54 preceding six month period. The case will be given an index number if
55 applicable, or, in courts other than the supreme or county courts, any
56 necessary filing number and the application will be submitted to a judge

1 of the court. Upon receipt of the application, the court shall obtain
2 from the appropriate official of the facility at which the [~~inmate~~]
3 incarcerated individual is confined a certified copy of the [~~inmate's~~]
4 incarcerated individual's trust fund account statement (or institutional
5 equivalent) for the six month period preceding filing of the [~~inmate's~~]
6 incarcerated individual's application. If the [~~inmate~~] incarcerated
7 individual has been confined for less than six months at such facility,
8 the court shall obtain additional information as follows:

9 (i) in the case of a state [~~inmate~~] incarcerated individual who has
10 been transferred from another state correctional facility, the court
11 shall obtain a trust fund account statement for the six month period
12 from the central office of the department of corrections and community
13 supervision in Albany; or

14 (ii) in the case of a state [~~inmate~~] incarcerated individual who is
15 newly transferred from a federal or local correctional facility, the
16 court shall obtain any trust fund account statement currently available
17 from such facility. The court may, in its discretion, seek further
18 information from the prior or current facility.

19 2. If the court determines that the [~~inmate~~] incarcerated individual
20 has insufficient means to pay the full filing fee, the court may permit
21 the [~~inmate~~] incarcerated individual to pay a reduced filing fee, the
22 minimum of which shall not be less than fifteen dollars and the maximum
23 of which shall not be more than fifty dollars. The court shall require
24 an initial payment of such portion of the reduced filing fee as the
25 [~~inmate~~] incarcerated individual can reasonably afford or shall author-
26 ize no initial payment of the fee if exceptional circumstances render
27 the [~~inmate~~] incarcerated individual unable to pay any fee; provided
28 however, that the difference between the amount of the reduced filing
29 fee and the amount paid by the [~~inmate~~] incarcerated individual in the
30 initial partial payment shall be assessed against the [~~inmate~~] incarcer-
31 ated individual as an outstanding obligation to be collected either by
32 the superintendent or the municipal official of the facility at which
33 the [~~inmate~~] incarcerated individual is confined, as the case may be, in
34 the same manner that mandatory surcharges are collected as provided for
35 in subdivision five of section 60.35 of the penal law. The court shall
36 notify the superintendent or the municipal official of the facility
37 where the [~~inmate~~] incarcerated individual is housed of the amount of
38 the reduced filing fee that was not directed to be paid by the [~~inmate~~]
39 incarcerated individual. Thereafter, the superintendent or the municip-
40 al official shall forward to the court any fee obligations that have
41 been collected, provided however, that:

42 (i) in no event shall the filing fee collected exceed the amount of
43 fees required for the commencement of an action or proceeding; and

44 (ii) in no event shall an [~~inmate~~] incarcerated individual be prohib-
45 ited from proceeding for the reason that the [~~inmate~~] incarcerated indi-
46 vidual has no assets and no means by which to pay the initial partial
47 filing fee.

48 3. The institution at which an [~~inmate~~] incarcerated individual is
49 confined, or the central office for the department of corrections and
50 community supervision, whichever is applicable, shall promptly provide
51 the trust fund account statement to the [~~inmate~~] incarcerated individual
52 as required by this subdivision.

53 4. Whenever any federal, state or local [~~inmate~~] incarcerated individ-
54 ual obtains a judgment in connection with any action or proceeding which
55 exceeds the amount of the filing fee, paid in accordance with the
56 provisions of this subdivision for commencing such action or proceeding,

1 the court shall award to the prevailing [~~inmate~~] incarcerated
2 individual, as a taxable disbursement, the actual amount of any fee paid
3 to commence the action or proceeding.

4 5. The provisions of this subdivision shall not apply to a proceeding
5 commenced pursuant to article seventy-eight of this chapter which
6 alleges a failure to correctly award or certify jail time credit due an
7 [~~inmate~~] incarcerated individual, in violation of section six hundred-a
8 of the correction law and section 70.30 of the penal law.

9 § 250. Section 5011 of the civil practice law and rules, as amended by
10 section 52 of subpart B of part C of chapter 62 of the laws of 2011, is
11 amended to read as follows:

12 § 5011. Definition and content of judgment. A judgment is the determi-
13 nation of the rights of the parties in an action or special proceeding
14 and may be either interlocutory or final. A judgment shall refer to, and
15 state the result of, the verdict or decision, or recite the default upon
16 which it is based. A judgment may direct that property be paid into
17 court when the party would not have the benefit or use or control of
18 such property or where special circumstances make it desirable that
19 payment or delivery to the party entitled to it should be withheld. In
20 any case where damages are awarded to an [~~inmate~~] incarcerated individ-
21 ual serving a sentence of imprisonment with the state department of
22 corrections and community supervision or to a prisoner confined at a
23 local correctional facility, the court shall give prompt written notice
24 to the office of victim services, and at the same time shall direct that
25 no payment be made to such [~~inmate~~] incarcerated individual or prisoner
26 for a period of thirty days following the date of entry of the order
27 containing such direction.

28 § 251. Paragraph 5 of subdivision (b) of section 7002 of the civil
29 practice law and rules, as amended by chapter 355 of the laws of 1986,
30 is amended to read as follows:

31 5. in a city having a population of one million or more inhabitants, a
32 person held as a trial [~~inmate~~] incarcerated individual in a city
33 detention institution shall petition for a writ to the supreme court in
34 the county in which the charge for which the [~~inmate~~] incarcerated indi-
35 vidual is being detained is pending. Such [~~inmate~~] incarcerated individ-
36 ual may also petition for a writ to the appellate division in the
37 department in which he is detained or to any justice of the supreme
38 court provided that the writ shall be made returnable before a justice
39 of the supreme court held in the county in which the charge for which
40 the [~~inmate~~] incarcerated individual is being detained is pending.

41 § 252. Subdivision 2 of section 61 of the civil rights law, as amended
42 by section 54 of subpart B of part C of chapter 62 of the laws of 2011,
43 is amended to read as follows:

44 2. If the petitioner stands convicted of a violent felony offense as
45 defined in section 70.02 of the penal law or a felony defined in article
46 one hundred twenty-five of such law or any of the following provisions
47 of such law sections 130.25, 130.30, 130.40, 130.45, 255.25, 255.26,
48 255.27, article two hundred sixty-three, 135.10, 135.25, 230.05, 230.06,
49 subdivision two of section 230.30 or 230.32, and is currently confined
50 as an [~~inmate~~] incarcerated individual in any correctional facility or
51 currently under the supervision of the department of corrections and
52 community supervision or a county probation department as a result of
53 such conviction, the petition shall for each such conviction specify
54 such felony conviction, the date of such conviction or convictions, and
55 the court in which such conviction or convictions were entered.

1 § 253. Subdivision 2 of section 62 of the civil rights law, as amended
2 by section 55 of subpart B of part C of chapter 62 of the laws of 2011,
3 is amended to read as follows:

4 2. If the petition be to change the name of a person currently
5 confined as an [~~inmate~~] incarcerated individual in any correctional
6 facility or currently under the supervision of the department of
7 corrections and community supervision or a county probation department
8 as a result of a conviction for a violent felony offense as defined in
9 section 70.02 of the penal law or a felony defined in article one
10 hundred twenty-five of such law or any of the following provisions of
11 such law sections 130.25, 130.30, 130.40, 130.45, 255.25, 255.26,
12 255.27, article two hundred sixty-three, 135.10, 135.25, 230.05, 230.06,
13 subdivision two of section 230.30 or 230.32, notice of the time and
14 place when and where the petition will be presented shall be served, in
15 like manner as a notice of a motion upon an attorney in an action, upon
16 the district attorney of every county in which such person has been
17 convicted of such felony and upon the court or courts in which the
18 sentence for such felony was entered. Unless a shorter period of time is
19 ordered by the court, said notice shall be served upon each such
20 district attorney and court or courts not less than sixty days prior to
21 the date on which such petition is noticed to be heard.

22 § 254. Subdivisions 2 and 3 of section 79 of the civil rights law,
23 subdivision 2 and paragraph (a) of subdivision 3 as amended by section
24 56 of subpart B of part C of chapter 62 of the laws of 2011 and subdivi-
25 sion 3 as amended by chapter 687 of the laws of 1973, are amended to
26 read as follows:

27 2. A sentence of imprisonment in a state correctional institution for
28 any term less than for life or a sentence of imprisonment in a state
29 correctional institution for an indeterminate term, having a minimum of
30 one day and a maximum of natural life shall not be deemed to suspend the
31 right or capacity of any person so sentenced to commence and prosecute
32 an action or proceeding in any court within this state or before a body
33 or officer exercising judicial, quasi-judicial or administrative func-
34 tions within this state; provided, however, that where at the time of
35 the commencement and during the prosecution of such action or proceeding
36 such person is an [~~inmate~~] incarcerated individual of a state correc-
37 tional institution, he or she shall not appear at any place other than
38 within the institution for any purpose related to such action or
39 proceeding unless upon a subpoena issued by the court before whom such
40 action or proceeding is pending or, where such action or proceeding is
41 pending before a body or officer, before a judge to whom a petition for
42 habeas corpus could be made under subdivision (b) of section seven thou-
43 sand two of the civil practice law and rules upon motion of any party
44 and upon a determination that such person's appearance is essential to
45 the proper and just disposition of the action or proceeding. Unless the
46 court orders otherwise, a motion for such subpoena shall be made on at
47 least two days' notice to the commissioner of corrections and community
48 supervision.

49 3. (a) Except as provided in paragraph (b) of this subdivision, the
50 state shall not be liable for any expense of or related to any such
51 action or proceeding, including but not limited to the expense of or
52 related to transporting the [~~inmate~~] incarcerated individual to, or
53 lodging or guarding him or her at any place other than in a state
54 correctional institution. The department of corrections and community
55 supervision shall not be required to perform any services related to
56 such action or proceeding, including but not limited to transporting the

1 [~~inmate~~] incarcerated individual to or lodging or guarding him at any
2 place other than a state correctional institution unless and until the
3 department has received payment for such services.

4 (b) Where the [~~inmate~~] incarcerated individual is permitted in accord-
5 ance with any other law to proceed with the action or proceeding as a
6 poor person the expense of transporting the [~~inmate~~] incarcerated indi-
7 vidual to, or lodging or guarding him or her at any place other than in
8 a state correctional institution or any other expense relating thereto
9 shall be a state charge; provided, however, that where an [~~inmate~~]
10 incarcerated individual has been granted such permission and a recovery
11 by judgment or by settlement is had in his or her favor, the court may
12 direct him or her to pay out of the recovery all or part of any sum
13 expended by the state.

14 § 255. Subdivisions 2 and 3 of section 79-a of the civil rights law,
15 subdivision 2 and paragraph (a) of subdivision 3 as amended by section
16 57 of subpart B of part C of chapter 62 of the laws of 2011 and subdivi-
17 sion 3 as added by chapter 687 of the laws of 1973, are amended to read
18 as follows:

19 2. A sentence to imprisonment for life shall not be deemed to suspend
20 the right or capacity of any person so sentenced to commence, prosecute
21 or defend an action or proceeding in any court within this state or
22 before a body or officer exercising judicial, quasi-judicial or adminis-
23 trative functions within this state; provided, however, that where at
24 the time of the commencement and during the prosecution or defense of
25 such action or proceeding such person is an [~~inmate~~] incarcerated indi-
26 vidual of a state correctional institution, he or she shall not appear
27 at any place other than within the institution for any purpose related
28 to such action or proceeding unless upon a subpoena issued by the court
29 before whom such action or proceeding is pending or, where such action
30 or proceeding is pending before a body or officer, before a judge to
31 whom a petition for habeas corpus could be made under subdivision (b) of
32 section seven thousand two of the civil practice law and rules upon
33 motion of any party and upon a determination that such person's appear-
34 ance is essential to the proper and just disposition of the action or
35 proceeding. Unless the court orders otherwise, a motion for such subpoe-
36 na shall be made on at least two days' notice to the commissioner of
37 corrections and community supervision.

38 3. (a) Except as provided in paragraph (b) of this subdivision, the
39 state shall not be liable for any expense of or related to any such
40 action or proceeding, including but not limited to the expense of or
41 related to transporting the [~~inmate~~] incarcerated individual to, or
42 lodging or guarding him or her at any place other than in a state
43 correctional institution. The department of corrections and community
44 supervision shall not be required to perform any services related to
45 such action or proceeding, including but not limited to transporting the
46 [~~inmate~~] incarcerated individual to or lodging or guarding him or her at
47 any place other than a state correctional institution unless and until
48 the department has received payment for such services.

49 (b) Where the [~~inmate~~] incarcerated individual is permitted in accord-
50 ance with any other law to proceed with the action or proceeding as a
51 poor person the expense of transporting the [~~inmate~~] incarcerated indi-
52 vidual to, or lodging or guarding him or her at any place other than in
53 a state correctional institution or any other expense relating thereto
54 shall be a state charge; provided, however, that where an [~~inmate~~]
55 incarcerated individual has been granted such permission and a recovery
56 by judgment or by settlement is had in his or her favor, the court may

1 direct him or her to pay out of the recovery all or part of any sum
2 expended by the state.

3 § 256. Intentionally omitted.

4 § 257. Intentionally omitted.

5 § 258. Intentionally omitted.

6 § 259. Intentionally omitted.

7 § 260. Subdivision 7 of section 40 of chapter 784 of the laws of 1951,
8 constituting the New York state defense emergency act, is amended to
9 read as follows:

10 7. Heads of departments in charge of institutions shall have such
11 power with respect to health or safety of [~~inmates~~] incarcerated indi-
12 viduals thereof, including transportation of [~~inmates~~] incarcerated
13 individuals to, from and between such institutions.

14 § 261. Intentionally omitted.

15 § 262. Intentionally omitted.

16 § 263. The section heading of section 9-104 of the administrative code
17 of the city of New York is amended to read as follows:

18 Transfer of [~~inmates~~] incarcerated individuals by commissioner of
19 correction.

20 § 264. Subdivision a of section 9-107 of the administrative code of
21 the city of New York is amended to read as follows:

22 a. The commissioner of correction shall establish a program for the
23 treatment of heroin addicts through the use of methadone hydrochloride
24 therapy. The program shall be available on a voluntary basis only to
25 such [~~inmates~~] incarcerated individuals as apply, subject to a medical
26 evaluation, before acceptance, of their need for such treatment.

27 § 265. Section 9-109 of the administrative code of the city of New
28 York is amended to read as follows:

29 § 9-109 Classification. The commissioner of correction shall so far as
30 practicable classify all felons, misdemeanants and violators of local
31 laws under the commissioner's charge, so that the youthful or less hard-
32 ened offenders shall be segregated from the older or more hardened
33 offenders. The commissioner of correction may set apart one or more of
34 the penal institutions for the custody of such youthful or less hardened
35 offenders, and he or she is empowered to transfer such offenders thereto
36 from any penal institution of the city. The commissioner of correction
37 is empowered to classify the transferred [~~inmates~~] incarcerated individ-
38 uals, so far as practicable, with regard to age, nature of offense, or
39 other fact, and to separate or group such offenders according to such
40 classification.

41 § 266. Section 9-110 of the administrative code of the city of New
42 York, as amended by local law number 170 of the city of New York for the
43 year 2017, is amended to read as follows:

44 § 9-110 Education and programming.

45 The commissioner of correction may establish and maintain schools or
46 classes for the instruction and training of the [~~inmates~~] incarcerated
47 individuals of any institution under the commissioner's charge, and
48 shall offer to all [~~inmates~~] incarcerated individuals incarcerated for
49 more than 10 days a minimum of five hours per day of [~~inmate~~] incarcer-
50 ated individuals programming or education, excluding weekends and holi-
51 days. Such programming or education may be provided by the department
52 or by another provider, and need not be offered to [~~inmates~~] incarcerat-
53 ed individuals in punitive segregation, or to [~~inmates~~] incarcerated
54 individuals who may be ineligible or unavailable for such programming or
55 education, or where offering such programming or education would not be
56 consistent with the safety of the [~~inmate~~] incarcerated individual,

1 staff or facility. Nothing in this section shall prohibit the department
2 from offering such programming or education on the basis of incentive-
3 based criteria developed by the department. For the purposes of this
4 section, the term "[~~inmate~~] incarcerated individual programming" has the
5 same meaning as in section 9-144.

6 § 267. Subdivision a of section 9-111 of the administrative code of
7 the city of New York is amended to read as follows:

8 a. The commissioner of correction is empowered to set aside in the
9 city prison a sufficient space for the purposes of installing a library
10 for the [~~inmates~~] incarcerated individuals. The commissioner of
11 correction may do likewise in any other place in which persons are held
12 for infractions of the law pending a determination by a court.

13 § 268. The section heading and the opening paragraph of subdivision a
14 of section 9-114 of the administrative code of the city of New York are
15 amended to read as follows:

16 Discipline of [~~inmates~~] incarcerated individuals.

17 Officers in any institution in the department of correction shall use
18 all suitable means to defend themselves, to enforce discipline, and to
19 secure the persons of [~~inmates~~] incarcerated individuals who shall:

20 § 269. The fourth undesignated paragraph of subdivision c of section
21 9-116 of the administrative code of the city of New York, as amended by
22 local law number 43 of the city of New York for the year 2006, is
23 amended to read as follows:

24 None of the foregoing provisions of this section shall apply to or
25 govern the rotation of tours of duty of custodial officers who may be
26 detailed or assigned to an institution wherein no [~~inmates~~] incarcerated
27 individuals are detained overnight.

28 § 270. Paragraph 3 of subdivision b of section 9-117 of the adminis-
29 trative code of the city of New York, as added by chapter 629 of the
30 laws of 2003, is amended to read as follows:

31 3. Nothing in this subdivision shall limit in any way persons who are
32 or will be employed by or under contract with the department of
33 correction from maintaining incidental supervision and custody of an
34 [~~inmate~~] incarcerated individual, where the primary duties and responsi-
35 bilities of such persons and contractors consist of administering or
36 providing programs and services to persons detained or confined in any
37 of its facilities; nor shall anything in this subdivision be construed
38 to limit or affect the existing authority of the mayor and commissioner
39 to appoint non-uniformed persons, whose duties include overall security
40 of the department of correction, to positions of authority.

41 § 271. Subdivisions a and c of section 9-118 of the administrative
42 code of the city of New York are amended to read as follows:

43 a. The commissioner of correction may establish a commissary in any
44 institution under the commissioner's jurisdiction for the use and bene-
45 fit of the [~~inmates~~] incarcerated individuals and employees thereof. All
46 moneys received from the sales of such commissaries shall be paid over
47 semi-monthly to the commissioner of finance without deduction. Except as
48 otherwise provided in this subdivision, the provisions of section 12-114
49 of the code shall apply to every officer or employee who receives such
50 moneys in the performance of his or her duties in any such commissary.
51 The accounts of the commissaries shall be subject to supervision, exam-
52 ination and audit by the comptroller and all other powers of the comp-
53 troller in accordance with the provisions of the charter and code.

54 c. Any surplus remaining in the commissary fund after deducting all
55 items described in subdivision b hereof shall be used for the general
56 welfare of the [~~inmates~~] incarcerated individuals of the institutions

1 under the jurisdiction of the department of correction. In the event
2 such fund at any time exceeds one hundred thousand dollars, the excess
3 shall be transferred to the general fund.

4 § 272. The section heading of section 9-121 of the administrative code
5 of the city of New York is amended to read as follows:

6 Records of [~~inmates~~] incarcerated individuals of institutions.

7 § 273. Section 9-122 of the administrative code of the city of New
8 York is amended to read as follows:

9 § 9-122 Labor of prisoners in other agencies; correction officers. A
10 correction officer or correction officers from the department of
11 correction shall at all times direct and guard all [~~inmates~~] incarcerat-
12 ed individuals of any of the institutions in the department of
13 correction who are performing work for any other agency.

14 § 274. Subdivision b of section 9-127 of the administrative code of
15 the city of New York, as added by local law number 54 of the city of New
16 York for the year 2004, is amended to read as follows:

17 b. The department of correction shall collect, from any sentenced
18 [~~inmate~~] incarcerated individual who will serve, after sentencing, ten
19 days or more in any city correctional institution, information relating
20 to such [~~inmate's~~] incarcerated individual's housing, employment and
21 sobriety needs. The department of correction shall, with the consent of
22 such [~~inmate~~] incarcerated individual, provide such information to any
23 social service organization that is providing discharge planning
24 services to such [~~inmate~~] incarcerated individual under contract with
25 the department of correction. For the purposes of this section and
26 sections 9-128 and 9-129 of this title, "discharge planning" shall mean
27 the creation of a plan for post-release services and assistance with
28 access to community-based resources and government benefits designed to
29 promote an [~~inmate's~~] incarcerated individual's successful reintegration
30 into the community.

31 § 275. Section 9-127.1 of the administrative code of the city of New
32 York, as added by local law number 167 of the city of New York for the
33 year 2017, is amended to read as follows:

34 § 9-127.1[~~r~~] Discharge planning. a. As used in this section, the
35 following terms have the following meanings:

36 Discharge plan. The term "discharge plan" means a plan describing the
37 manner in which an eligible [~~inmate~~] incarcerated individual will be
38 able to receive re-entry services upon release from the custody of the
39 department to the community. A discharge plan shall, to the extent prac-
40 ticable, be designed to address the unique needs of each eligible
41 [~~inmate~~] incarcerated individual, including but not limited to the
42 [~~inmate's~~] incarcerated individual's geographic location upon release
43 from the custody of the department, specific social service needs if
44 applicable, prior criminal history, and employment needs.

45 Eligible [~~inmate~~] incarcerated individual. The term "eligible
46 [~~inmate~~] incarcerated individual" means a person who served a sentence
47 of 30 days or more in the custody of the department, and who is being
48 released from the custody of the department to the community.

49 Re-entry services. The term "re-entry services" means appropriate
50 programming and support planning offered to an [~~inmate~~] incarcerated
51 individual upon release from the custody of the department to the commu-
52 nity, as well as follow-up support offered to the [~~inmate~~] incarcerated
53 individual after his or her release. Such programming, support planning,
54 and follow-up support shall include case management and connections to
55 employment, and other social services that may be available to such
56 [~~inmate~~] incarcerated individual upon his or her release.

1 b. Prior to the release of an eligible [~~inmate~~] incarcerated individ-
2 ual from the custody of the department, a designee of the department
3 shall to the extent practicable develop and offer to such [~~inmate~~]
4 incarcerated individual a discharge plan. Discharge plans developed
5 pursuant to this section shall not be required when, upon release from
6 the custody of the department, an [~~inmate~~] incarcerated individual is
7 transferred to the custody of another government agency or to the custo-
8 dy of a hospital or healthcare provider, or where a discharge plan is
9 otherwise required by law.

10 § 276. Subdivisions a and b of section 9-128 of the administrative
11 code of the city of New York, as added by local law number 54 of the
12 city of New York for the year 2004, are amended to read as follows:

13 a. The department of correction shall make applications for government
14 benefits available to [~~inmates~~] incarcerated individuals by providing
15 such applications in areas accessible to [~~inmates~~] incarcerated individ-
16 uals in city correctional institutions.

17 b. The department of correction shall provide assistance with the
18 preparation of applications for government benefits and identification
19 to sentenced [~~inmates~~] incarcerated individuals who will serve, after
20 sentencing, thirty days or more in any city correctional institution and
21 who receive discharge planning services from the department of
22 correction or any social services organization under contract with the
23 department of correction, and, in its discretion, to any other [~~inmate~~]
24 incarcerated individual who may benefit from such assistance.

25 § 277. Section 9-129 of the administrative code of the city of New
26 York, as added by local law number 54 of the city of New York for the
27 year 2004, is amended to read as follows:

28 § 9-129 Reporting. The commissioner of correction shall submit a
29 report to the mayor and the council by October first of each year
30 regarding implementation of sections 9-127 and 9-128 of this title and
31 other discharge planning efforts, and, beginning October first, two
32 thousand eight and annually thereafter, regarding recidivism among
33 [~~inmates~~] incarcerated individuals receiving discharge planning services
34 from the department of correction or any social services organization
35 under contract with the department of correction.

36 § 278. Section 9-130 of the administrative code of the city of New
37 York, as added by local law number 33 of the city of New York for the
38 year 2016, paragraph 23 as amended and paragraph 24 of subdivision c as
39 added by local law number 145 for the year of 2018, is amended to read
40 as follows:

41 § 9-130 Jail data reporting.

42 a. Definitions. For purposes of this section, the following terms have
43 the following meanings:

44 Adolescent. The term "adolescent" means an [~~inmate~~] incarcerated indi-
45 vidual 16 or 17 years of age.

46 Adult. The term "adult" means an [~~inmate~~] incarcerated individual 22
47 years of age or older.

48 Assault. The term "assault" means any action taken with intent to
49 cause physical injury to another person.

50 Department. The term "department" means the New York city department
51 of correction.

52 Hospital. The term "hospital" includes any hospital setting, whether a
53 hospital outside of the department's jurisdiction or a correction unit
54 operated by the department within a hospital.

55 Serious injury. The term "serious injury" means a physical injury that
56 (i) creates a substantial risk of death or disfigurement; (ii) is a loss

1 or impairment of a bodily organ; (iii) is a fracture or break to a bone
2 other than fingers and toes; or (iv) is an injury defined as serious by
3 a physician.

4 Sexual abuse. The term "sexual abuse" has the same meaning as set
5 forth in section 115.6 of title 28 of the code of federal regulations,
6 or successor regulation, promulgated pursuant to the federal prison rape
7 elimination act of 2003.

8 Staff. The term "staff" means anyone other than an [~~inmate~~] incarcer-
9 ated individual who works at a facility operated by the department.

10 Young adult. The term "young adult" means an [~~inmate~~] incarcerated
11 individual 18 to 21 years of age.

12 Use of force A. The term "use of force A" means a use of force by
13 staff on an [~~inmate~~] incarcerated individual resulting in an injury that
14 requires medical treatment beyond the prescription of over-the-counter
15 analgesics or the administration of minor first aid, including those
16 uses of force resulting in one or more of the following: (i) multiple
17 abrasions and/or contusions; (ii) chipped or cracked tooth; (iii) loss
18 of tooth; (iv) laceration; (v) puncture; (vi) fracture; (vii) loss of
19 consciousness, including a concussion; (viii) suture; (ix) internal
20 injuries, including but not limited to ruptured spleen or perforated
21 eardrum; or (x) admission to a hospital.

22 Use of force B. The term "use of force B" means a use of force by
23 staff on an [~~inmate~~] incarcerated individual which does not require
24 hospitalization or medical treatment beyond the prescription of over-
25 the-counter analgesics or the administration of minor first aid, includ-
26 ing the following: (i) a use of force resulting in a superficial bruise,
27 scrape, scratch, or minor swelling; and (ii) the forcible use of mechan-
28 ical restraints in a confrontational situation that results in no or
29 minor injury.

30 Use of force C. The term "use of force C" means a use of force by
31 staff on an [~~inmate~~] incarcerated individual resulting in no injury to
32 staff or [~~inmate~~] incarcerated individual, including an incident where
33 the use of oleoresin capsicum spray results in no injury, beyond irri-
34 tation that can be addressed through decontamination.

35 b. No later than 20 days after the end of each month, the department
36 shall post on its website a report containing the following information
37 for the prior month, in total and by indicating the rate per 100
38 [~~inmates~~] incarcerated individuals in the custody of the department
39 during such prior month:

40 1. fight infractions written against [~~inmates~~] incarcerated individ-
41 uals;

42 2. assaults on [~~inmates~~] incarcerated individuals by [~~inmates~~] incar-
43 cerated individuals involving stabbings, shootings or slashings;

44 3. assaults on [~~inmates~~] incarcerated individuals by [~~inmates~~] incar-
45 cerated individuals in which an [~~inmate~~] incarcerated individual
46 suffered a serious injury, excluding assaults involving stabbings,
47 shootings or slashings;

48 4. actual incidents of use of force A;

49 5. actual incidents of use of force B;

50 6. actual incidents of use of force C;

51 7. assaults on staff by [~~inmates~~] incarcerated individuals in which
52 staff suffered serious injury.

53 c. No later than 45 days after the end of each quarter ending March
54 31, June 30, September 30 and December 31, the department shall post on
55 its website a report containing the following information for the prior
56 quarter, in total and by indicating the rate per 100 [~~inmates~~] incarcer-

1 ated individuals in the custody of the department during such prior
2 quarter. Such report shall also disaggregate the following information
3 by listing adults, young adults, and adolescent [~~inmates~~] incarcerated
4 individuals separately:

5 1. fight infractions written against [~~inmates~~] incarcerated individ-
6 uals;

7 2. assaults on [~~inmates~~] incarcerated individuals by [~~inmates~~] incar-
8 cerated individuals in which an [~~inmate~~] incarcerated individual
9 suffered a serious injury, excluding assaults involving stabbings,
10 shootings or slashings;

11 3. assaults on [~~inmates~~] incarcerated individuals by [~~inmates~~] incar-
12 cerated individuals involving stabbings;

13 4. assaults on [~~inmates~~] incarcerated individuals by [~~inmates~~] incar-
14 cerated individuals involving shootings;

15 5. assaults on [~~inmates~~] incarcerated individuals by [~~inmates~~] incar-
16 cerated individuals involving slashings;

17 6. total number of assaults on [~~inmates~~] incarcerated individuals by
18 [~~inmates~~] incarcerated individuals involving stabbings, shootings or
19 slashings;

20 7. total number of assaults on [~~inmates~~] incarcerated individuals by
21 [~~inmates~~] incarcerated individuals involving stabbings, shootings or
22 slashings in which an [~~inmate~~] incarcerated individual suffered a seri-
23 ous injury;

24 8. assaults on [~~inmates~~] incarcerated individuals by [~~inmates~~] incar-
25 cerated individuals in which an [~~inmate~~] incarcerated individual was
26 admitted to a hospital as a result;

27 9. homicides of [~~inmates~~] incarcerated individuals by [~~inmates~~] incar-
28 cerated individuals;

29 10. attempted suicides by [~~inmates~~] incarcerated individuals;

30 11. suicides by [~~inmates~~] incarcerated individuals;

31 12. assaults on staff by [~~inmates~~] incarcerated individuals;

32 13. assaults on staff by [~~inmates~~] incarcerated individuals in which
33 staff suffered serious injury;

34 14. assaults on staff by [~~inmates~~] incarcerated individuals in which
35 the staff was transported to a hospital as a result;

36 15. incidents in which an [~~inmate~~] incarcerated individual splashed
37 staff;

38 16. allegations of use of force A;

39 17. actual incidents of use of force A;

40 18. [~~inmate~~] incarcerated individual hospitalization as a result of
41 use of force A;

42 19. allegations of use of force B;

43 20. actual incidents of use of force B;

44 21. allegations of use of force C;

45 22. actual incidents of use of force C;

46 23. incidents of use of force C in which chemical agents were used;

47 24. incidents of use of force in which staff uses any device capable
48 of administering an electric shock.

49 d. Beginning July 1, 2016 and every July first thereafter, the depart-
50 ment shall post on its website a report for the prior calendar year
51 containing information pertaining to (1) allegations of sexual abuse of
52 an [~~inmate~~] incarcerated individual by an [~~inmate~~] incarcerated individ-
53 ual; (2) substantiated incidents of sexual abuse of an [~~inmate~~] incar-
54 cerated individual by an [~~inmate~~] incarcerated individual; (3) allega-
55 tions of sexual abuse of an [~~inmate~~] incarcerated individual by staff;

1 and (4) substantiated incidents of sexual abuse of an [~~inmate~~] incarcerated individual by staff.

2
3 e. The information in subdivisions b, c and d of this section shall be
4 compared to previous reporting periods, and shall be permanently stored
5 on the department's website.

6 § 279. Section 9-134 of administrative code of the city of New York,
7 as added by local law number 90 of the city of New York for the year
8 2015, is amended to read as follows:

9 § 9-134 Jail segregated housing statistics. a. Definitions. For the
10 purposes of this section, the following terms have the following mean-
11 ings:

12 Department. The term "department" means the New York city department
13 of correction.

14 [~~Inmate~~] Incarcerated individual recreation day. The term "[~~inmate~~]
15 incarcerated individual recreation day" means one day per each individ-
16 ual for every day in punitive segregation during each quarter.

17 [~~Inmate~~] Incarcerated individual shower day. The term "[~~inmate~~] incar-
18 cerated individual shower day" means one day per each individual for
19 every day in punitive segregation during each quarter.

20 Mental health unit ("MHU"). The term "mental health unit" ("MHU")
21 means any separate housing area staffed by mental health clinicians
22 where [~~inmates~~] incarcerated individuals with mental illness who have
23 been found guilty of violating department rules are housed, including
24 but not limited to restricted housing units and clinical alternative to
25 punitive segregation units.

26 Segregated housing unit. The term "segregated housing unit" means any
27 city jail housing units in which [~~inmates~~] incarcerated individuals are
28 regularly restricted to their cells more than the maximum number of
29 hours as set forth in subdivision (b) of section 1-05 of chapter 1 of
30 title 40 of the rules of the city of New York, or any successor rule
31 establishing such maximum number of hours for the general population of
32 [~~inmates~~] incarcerated individuals in city jails. Segregated housing
33 units do not include mental health units. Segregated housing units
34 include, but are not limited to, punitive segregation housing and
35 enhanced supervision housing.

36 Serious injury. The term "serious injury" means a physical injury that
37 includes: (i) a substantial risk of death or disfigurement; (ii) loss or
38 impairment of a bodily organ; (iii) a fracture or break to a bone,
39 excluding fingers and toes; (iv) an injury defined as serious by a
40 physician; and (v) any additional serious injury as defined by the
41 department.

42 Staff. The term "staff" means anyone, other than an [~~inmate~~] incarcer-
43 ated individual, working at a facility operated by the department.

44 Use of force. The term "use of force" means an instance where staff
45 used their hands or other parts of their body, objects, instruments,
46 chemical agents, electric devices, firearm, or any other physical method
47 to restrain, subdue, or compel an [~~inmate~~] incarcerated individual to
48 act in a particular way, or stop acting in a particular way. This term
49 shall not include moving, escorting, transporting, or applying
50 restraints to a compliant [~~inmate~~] incarcerated individual.

51 Use of force A. The term "use of force A" means a use of force result-
52 ing in an injury that requires medical treatment beyond the prescription
53 of over-the-counter analgesics or the administration of minor first aid,
54 including, but not limited to: (i) multiple abrasions and/or contusions;
55 (ii) chipped or cracked tooth; (iii) loss of tooth; (iv) laceration; (v)
56 puncture; (vi) fracture; (vii) loss of consciousness, including a

1 concussion; (viii) suture; (ix) internal injuries, including but not
2 limited to ruptured spleen or perforated eardrum; or (x) admission to a
3 hospital.

4 Use of force B. The term "use of force B" means a use of force result-
5 ing in an injury that does not require hospitalization or medical treat-
6 ment beyond the prescription of over-the-counter analgesics or the
7 administration of minor first aid.

8 Use of force C. The term "use of force C" means a use of force result-
9 ing in no injury to staff or [~~inmates~~] incarcerated individuals.

10 b. For the quarter beginning October first, two thousand fourteen,
11 commencing on or before January twentieth, two thousand fifteen, and on
12 or before the twentieth day of each quarter thereafter, the commissioner
13 of correction shall post a report on the department website containing
14 information relating to the use of segregated housing units and MHU in
15 city jails for the previous quarter. Such quarterly report shall include
16 separate indicators, disaggregated by facility and housing category for
17 the total number of [~~inmates~~] incarcerated individuals housed in segre-
18 gated housing units and MHU. Such quarterly report shall also include
19 the following information regarding the segregated housing unit and MHU
20 population: (i) the number of [~~inmates~~] incarcerated individuals in each
21 security risk group as defined by the department's classification system
22 directive, (ii) the number of [~~inmates~~] incarcerated individuals subject
23 to enhanced restraints, including but not limited to, shackles, waist
24 chains and hand mittens, (iii) the number of [~~inmates~~] incarcerated
25 individuals sent to segregated housing units and MHU during the period,
26 (iv) the number of [~~inmates~~] incarcerated individuals sent to segregated
27 housing units and MHU from mental observation housing areas, (v) the
28 number of [~~inmates~~] incarcerated individuals, by highest infraction
29 offense grade as classified by the department, (grade one, two, or
30 three), (vi) the number of [~~inmates~~] incarcerated individuals serving
31 punitive segregation in the following specified ranges: less than ten
32 days, ten to thirty days, thirty-one to ninety days, ninety-one to one
33 hundred eighty days, one hundred eighty-one to three hundred sixty-five
34 days, and more than three hundred sixty-five days, (vii) the number of
35 [~~inmates~~] incarcerated individuals receiving mental health services,
36 (viii) the number of [~~inmates~~] incarcerated individuals twenty-one years
37 of age and under, (ix) the number of [~~inmates~~] incarcerated individuals
38 over twenty-one years of age in ten-year intervals, (x) the race and
39 gender of [~~inmates~~] incarcerated individuals, (xi) the number of
40 [~~inmates~~] incarcerated individuals who received infractions while in
41 segregated housing units or MHU, (xii) the number of [~~inmates~~] incarcer-
42 ated individuals who received infractions that led to the imposition of
43 additional punitive segregation time, (xiii) the number of [~~inmates~~]
44 incarcerated individuals who committed suicide, (xiv) the number of
45 [~~inmates~~] incarcerated individuals who attempted suicide, (xv) the
46 number of [~~inmates~~] incarcerated individuals on suicide watch, (xvi) the
47 number of [~~inmates~~] incarcerated individuals who caused injury to them-
48 selves (excluding suicide attempt), (xvii) the number of [~~inmates~~]
49 incarcerated individuals seriously injured while in segregated housing
50 units or MHU, (xviii) the number of [~~inmates~~] incarcerated individuals
51 who were sent to non-psychiatric hospitals outside the city jails, (xix)
52 the number of [~~inmates~~] incarcerated individuals who died (non-suicide),
53 (xx) the number of [~~inmates~~] incarcerated individuals transferred to a
54 psychiatric hospital from segregated housing units, (xxi) the number of
55 [~~inmates~~] incarcerated individuals transferred to a psychiatric hospital
56 from MHU, disaggregated by program, (xxii) the number of [~~inmates~~]

1 incarcerated individuals moved from general punitive segregation to MHU,
2 disaggregated by program, (xxiii) the number of [~~inmates~~] incarcerated
3 individuals placed into MHU following a disciplinary hearing, disaggre-
4 gated by program, (xxiv) the number of [~~inmates~~] incarcerated individ-
5 uals moved from MHU to a segregated housing unit, disaggregated by
6 segregated housing unit type, (xxv) the number of [~~inmates~~] incarcerated
7 individuals prescribed anti-psychotic medications, mood stabilizers or
8 anti-anxiety medications, disaggregated by the type of medication,
9 (xxvi) the number of requests made by [~~inmates~~] incarcerated individuals
10 for medical or mental health treatment and the number granted, (xxvii)
11 the number of requests made by [~~inmates~~] incarcerated individuals to
12 attend congregate religious services and the number granted, (xxviii)
13 the number of requests made by [~~inmates~~] incarcerated individuals for
14 assistance from the law library and the number granted, (xxix) the
15 number of requests made by [~~inmates~~] incarcerated individuals to make
16 telephone calls and the number granted, disaggregated by weekly personal
17 calls and other permissible daily calls, (xxx) the number of [~~inmate~~]
18 incarcerated individual recreation days and the number of recreation
19 hours attended, (xxxii) the number of individual recreation hours that
20 were offered to [~~inmates~~] incarcerated individuals prior to six a.m.,
21 (xxxiii) the number of [~~inmate~~] incarcerated individual shower days and
22 the number of showers taken, (xxxiii) the number of [~~inmates~~] incarcer-
23 ated individuals who received visits, (xxxiv) the number of instances of
24 allegations of use of force, (xxxv) the number of instances of use of
25 force A, (xxxvi) the number of instances of use of force B, (xxxvii) the
26 number of instances of use of force C, (xxxviii) the number of instances
27 in which contraband was found, (xxxix) the number of instances of alle-
28 gations of staff on [~~inmate~~] incarcerated individual sexual assault,
29 (xl) the number of instances of substantiated staff on [~~inmate~~] incar-
30 cerated individual sexual assault, (xli) the number of instances of
31 allegations of [~~inmate~~] incarcerated individual on staff sexual assault,
32 and (xlii) the number of instances of substantiated [~~inmate~~] incarcerat-
33 ed individual on staff sexual assault.

34 § 280. Section 9-135 of the administrative code of the city of New
35 York, as added by local law number 84 of the city of New York for the
36 year 2015, is amended to read as follows:

37 § 9-135 Alternative housing unit waiting list. The commissioner shall
38 post a report every 60 days, on the department of correction website,
39 setting forth the number of city jail [~~inmates~~] incarcerated individuals
40 who have been found guilty of violating departmental rules but have yet
41 to be placed in punitive segregation, restrictive housing or a clinical
42 alternative to punitive segregation housing, or any successor to such
43 housing units, disaggregated by [~~inmates~~] incarcerated individuals with
44 "M" designations at the end of their book and case numbers, indicating
45 that the [~~inmates~~] incarcerated individuals are known to mental health
46 staff, and [~~inmates~~] incarcerated individuals without "M" designations.
47 Such report shall state the number of [~~inmates~~] incarcerated individuals
48 awaiting placement in any such housing unit categorized by the length of
49 time such [~~inmates~~] incarcerated individuals have been awaiting place-
50 ment in the following categories: 1-5 days, 6-15 days, 16-30 days, 31-60
51 days, and 61 days or longer. The commissioner shall also post, no later
52 than 45 days after the end of each quarter, a quarterly report that sets
53 forth the number of [~~inmates~~] incarcerated individuals awaiting transfer
54 to the custody of the New York state department of health or the New
55 York state [~~department of~~] office for people with developmental disabili-
56 ties pursuant to [~~section~~] article 730 of the criminal procedure law,

1 the length of stay for such [~~inmates~~] incarcerated individuals, and the
2 housing facility in which such [~~inmates~~] incarcerated individuals were
3 placed.

4 § 281. Subdivision a and paragraph 4 of subdivision b of section 9-136
5 of the administrative code of the city of New York, as added by local
6 law number 87 of the city of New York for the year 2015, are amended to
7 read as follows:

8 a. Definitions. For the purposes of this section, the following terms
9 have the following meanings:

10 Grievance. The term "grievance" means a written complaint submitted by
11 an [~~inmate~~] incarcerated individual in the custody of the department
12 about an issue, condition, practice or action relating to the [~~inmate's~~]
13 incarcerated individual's confinement that is subject to the [~~inmate~~]
14 incarcerated individual grievance and request program or any successor
15 program.

16 [~~Inmate~~] Incarcerated individual grievance and request program. The
17 term "[~~inmate~~] incarcerated individual grievance and request program"
18 means a formal process established by the department that provides
19 [~~inmates~~] incarcerated individuals with the opportunity to resolve
20 issues regarding their confinement through a structured process.

21 4. The number of [~~inmates~~] incarcerated individuals that submitted
22 grievances.

23 § 282. Section 9-137 of the administrative code of the city of New
24 York, as added by local law number 88 of the city of New York for the
25 year 2015, is amended to read as follows:

26 § 9-137 Jail population statistics.

27 a. Within 45 days of the end of each quarter of the fiscal year, the
28 department shall post a report on its website containing information
29 related to the [~~inmate~~] incarcerated individual population in city jails
30 for the preceding quarter. Such quarterly report shall include the
31 following information based on the number of [~~inmate~~] incarcerated indi-
32 vidual admissions during the reporting period, and based on the average
33 daily population of the city's jails for the preceding quarter in total,
34 and as a percentage of the average daily population of [~~inmates~~] incar-
35 cerated individuals in the department's custody during the reporting
36 period:

37 1. Age, in years, disaggregated as follows: 16-17, 18-21, 22-25,
38 26-29, 30-39, 40-49, 50-59, 60-69, 70 or older.

39 2. Gender, including a separate category for those [~~inmates~~] incarcer-
40 ated individuals housed in any transgender housing unit.

41 3. Race of [~~inmates~~] incarcerated individuals, categorized as follows:
42 African-American, Hispanic, Asian, white, or any other race.

43 4. The borough in which the [~~inmate~~] incarcerated individual was
44 arrested.

45 5. Educational background as self-reported by [~~inmates~~] incarcerated
46 individuals after admission to the custody of the department, categor-
47 ized as follows based on the highest level of education achieved: no
48 high school diploma or general education diploma, a general education
49 diploma, a high school diploma, some college but no degree, an associ-
50 ate's degree, a bachelor's degree, or a post-collegiate degree.

51 6. The number of [~~inmates~~] incarcerated individuals identified by the
52 department as a member of a security risk group, as defined by the
53 department.

54 § 283. Section 9-138 of the administrative code of the city of New
55 York, as added by local law number 89 of the city of New York for the
56 year 2015, is amended to read as follows:

1 § 9-138 Use of force directive. The commissioner shall post on the
2 department's website the directive stating the department's current
3 policies regarding the use of force by departmental staff on [~~inmates~~
4 incarcerated individuals], including but not limited to the circumstances
5 in which any use of force is justified, the circumstances in which vari-
6 ous levels of force or various uses of equipment are justified, and the
7 procedures staff must follow prior to using force. The commissioner may
8 redact such directive as necessary to preserve safety and security in
9 the facilities under the department's control.

10 § 284. Section 9-139 of the administrative code of the city of New
11 York, as added by local law number 91 of the city of New York for the
12 year 2015, is amended to read as follows:

13 § 9-139 [~~Inmate~~] Incarcerated individual bill of rights. a. The
14 department shall inform every [~~inmate~~] incarcerated individual upon
15 admission to the custody of the department, in writing, using plain and
16 simple language, of their rights under department policy, which shall be
17 consistent with federal, state, and local laws, and board of correction
18 minimum standards, on the following topics: non-discriminatory treat-
19 ment, personal hygiene, recreation, religion, attorney visits, access to
20 legal reference materials, visitation, telephone calls and other corre-
21 spondence, media access, due process in any disciplinary proceedings,
22 health services, safety from violence, and the grievance system.

23 b. The department shall inform every [~~inmate~~] incarcerated individual
24 upon admission to the custody of the department, in writing, using plain
25 and simple language, of their responsibilities under the department's
26 rules governing [~~inmate~~] incarcerated individual conduct.

27 c. The department shall inform every [~~inmate~~] incarcerated individual
28 upon admission to the custody of the department, in writing, using plain
29 and simple language, of available services relating to education, voca-
30 tional development, drug and alcohol treatment and counseling, and
31 mental health treatment and counseling services.

32 d. The department shall publish on its website any documents created
33 pursuant to this section. Such documents shall be available in English
34 and Spanish.

35 e. Within 24 hours of admission to the custody of the department, the
36 department shall provide to each [~~inmate~~] incarcerated individual an
37 oral summary of the rights and responsibilities enumerated in subdivi-
38 sions a, b, and c of this section in the [~~inmate's~~] incarcerated indi-
39 vidual's preferred language, if the language is accessible through the
40 city's language access plan. The department shall make a good faith
41 effort to provide an oral summary in languages that are not accessible
42 through the city's language access plan as soon as practicable.

43 f. Upon admission to the custody of the department, each [~~inmate~~]
44 incarcerated individual shall also be offered the option of being
45 provided the Connections guidebook for formerly incarcerated people, or
46 any similar or successor book or handbook that describes resources
47 available to those re-entering society after being incarcerated.

48 § 285. Subdivision b of section 9-140 of the administrative code of
49 the city of New York, as added by local law number 85 of the city of New
50 York for the year 2015, is amended to read as follows:

51 b. The commissioner shall post on the department website on a quarter-
52 ly basis, within 30 days of the beginning of each quarter, a report
53 containing information pertaining to the visitation of the [~~inmate~~]
54 incarcerated individual population in city jails for the prior quarter.
55 Such quarterly report shall include the following information in total

1 and disaggregated by whether the visitor is a professional, and also
2 disaggregated by the type of services the professional provides:

3 1. The total number of visitors to city jails, the total number of
4 visitors to borough jail facilities, and the total number of visitors to
5 city jails on Rikers Island.

6 2. The total number of visitors that visited an [~~inmate~~] incarcerated
7 individual at city jails, the total number of visitors that visited an
8 [~~inmate~~] incarcerated individual at borough jail facilities, and the
9 total number of visitors that visited an [~~inmate~~] incarcerated individ-
10 ual at city jails on Rikers Island.

11 3. The number of visitors unable to visit an [~~inmate~~] incarcerated
12 individual at any city jail, in total and disaggregated by the reason
13 such visit was not completed.

14 4. The [~~inmate~~] incarcerated individual visitation rate, which shall
15 be calculated by dividing the average daily number of visitors who
16 visited [~~inmates~~] incarcerated individuals at city jails during the
17 reporting period by the average daily [~~inmate~~] incarcerated individual
18 population of city jails during the reporting period.

19 5. The borough jail facility visitation rate, which shall be calcu-
20 lated by dividing the average daily number of visitors who visited
21 [~~inmates~~] incarcerated individuals at borough jail facilities during the
22 reporting period by the average daily [~~inmate~~] incarcerated individual
23 population of borough jail facilities during the reporting period.

24 6. The Rikers Island visitation rate, which shall be calculated by
25 dividing the average daily number of visitors who visited [~~inmates~~]
26 incarcerated individuals at city jails on Rikers Island during the
27 reporting period by the average daily [~~inmate~~] incarcerated individual
28 population of city jails on Rikers Island during the reporting period.

29 § 286. Section 9-141 of the administrative code of the city of New
30 York, as added by local law number 82 of the city of New York for the
31 year 2016, is amended to read as follows:

32 § 9-141 Feminine hygiene products. All female [~~inmates~~] incarcerated
33 individuals in the custody of the department shall be provided, at the
34 department's expense, with feminine hygiene products as soon as practi-
35 cable upon request. All female individuals arrested and detained in the
36 custody of the department for at least 48 hours shall be provided, at
37 the department's expense, with feminine hygiene products as soon as
38 practicable upon request. For purposes of this section, "feminine
39 hygiene products" means tampons and sanitary napkins for use in
40 connection with the menstrual cycle.

41 § 287. Subdivisions a and c and paragraphs 6 and 7 of subdivision d of
42 section 9-142 of the administrative code of the city of New York, as
43 added by local law number 120 of the city of New York for the year 2016,
44 are amended to read as follows:

45 a. Definitions. For the purposes of this section, the following terms
46 shall have the following meanings:

47 Child. The term "child" means any person one year of age or younger
48 whose mother is in the custody of the department.

49 Nursery. The term "nursery" means any department facility designed to
50 accommodate newborn children of incarcerated mothers, pursuant to New
51 York state correctional law section 611 or any successor statute.

52 Staff. The term "staff" means anyone, other than an [~~inmate~~] incarcer-
53 ated individual, working at a facility operated by the department.

54 Use of force A. The term "use of force A" means a use of force by
55 staff on an [~~inmate~~] incarcerated individual resulting in an injury to
56 staff or [~~inmate~~] incarcerated individual that requires medical treat-

1 ment beyond the prescription of over-the-counter analgesics or the
2 administration of minor first aid, including those uses of force result-
3 ing in one or more of the following treatments/injuries: (i) multiple
4 abrasions and/or contusions; (ii) chipped or cracked tooth; (iii) loss
5 of tooth; (iv) laceration; (v) puncture; (vi) fracture; (vii) loss of
6 consciousness; including a concussion; (viii) suture; (ix) internal
7 injuries, including but not limited to, ruptured spleen or perforated
8 eardrum; and (x) admission to a hospital.

9 Use of force B. The term "use of force B" means a use of force by
10 staff on an ~~inmate~~ incarcerated individual resulting in an injury to
11 staff or ~~inmate~~ incarcerated individual that does not require hospi-
12 talization or medical treatment beyond the prescription of over-the-
13 counter analgesics or the administration of minor first aid, including
14 the following: (i) a use of force resulting in a superficial bruise,
15 scrape, scratch, or minor swelling; and (ii) the forcible use of mechan-
16 ical restraints in a confrontational situation that results in no or
17 minor injury.

18 Use of force C. The term "use of force C" means a use of force by
19 staff on an ~~inmate~~ incarcerated individual resulting in no injury to
20 staff or ~~inmate~~ incarcerated individual, including incidents where use
21 of oleoresin capsicum spray results in no injury, beyond irritation that
22 can be addressed through decontamination.

23 c. Children and their mothers shall be housed in the nursery unless
24 the department determines that such housing would not be in the best
25 interest of such child pursuant to section 611 of the correction law or
26 any successor statute. The department shall maintain formal written
27 procedures consistent with this policy and with the following
28 provisions:

29 1. The warden of the facility in which the nursery is located may deny
30 a child admission to the nursery only if a consideration of all relevant
31 evidence indicates that such admission would not be in the best interest
32 of the child.

33 2. Any ~~inmate~~ incarcerated individual whose child is denied admis-
34 sion to the nursery shall be provided with a written determination spec-
35 ifying the facts and reasons underlying such determination. Such notice
36 shall indicate that this determination may be appealed, and describe the
37 appeals process in plain and simple language.

38 3. An ~~inmate~~ incarcerated individual may appeal such determination.
39 The appeal shall be decided by the commissioner or the chief of the
40 department, in consultation with a person who has expertise in early
41 childhood development. Any denial of an appeal shall include a specific
42 statement of the reasons for denial. A copy of this determination on
43 the appeal shall be provided to such ~~inmate~~ incarcerated individual.

44 4. ~~Inmates~~ Incarcerated individuals who are unable to read or under-
45 stand the procedures in this subdivision shall be provided with neces-
46 sary assistance.

47 6. The programming and services available to ~~inmates~~ incarcerated
48 individuals and children in the nursery, including but not limited to
49 the following categories: parenting, health and mental health, drug
50 and/or alcohol addiction, vocational, educational, recreational, or
51 other life skills; and

52 7. The following information by indicating the rate per 100 female
53 ~~inmates~~ incarcerated individuals in the custody of the department,
54 disaggregated by whether or not the incident took place in the nursery:
55 (i) incidents of use of force A, (ii) incidents of use of force B, (iii)

1 incidents of use of force C, and (iv) incidents of use of force C in
2 which chemical agents are used.

3 § 288. The section heading and subdivisions a and b of section 9-143
4 of the administrative code of the city of New York, as added by local
5 law number 121 of the city of New York for the year 2016, are amended to
6 read as follows:

7 Annual report on mentally ill [~~inmates~~] incarcerated individuals and
8 recidivism.

9 a. Definitions. For the purposes of this section, the following terms
10 have the following meanings:

11 Eligible [~~inmate~~] incarcerated individual. The term "eligible [~~inmate~~]
12 incarcerated individual" means an [~~inmate~~] incarcerated individual whose
13 period of confinement in a city correctional facility lasts 24 hours or
14 longer, and who, during such confinement, receives treatment for a
15 mental illness, but does not include [~~inmates~~] incarcerated individuals
16 seen by mental health staff on no more than two occasions during their
17 confinement and assessed on the latter of those occasions as having no
18 need for further treatment in any city correctional facility or upon
19 their release from any such facility.

20 Reporting period. The term "reporting period" means the calendar year
21 two years prior to the year in which the report issued pursuant to this
22 section is issued.

23 b. No later than March 31 of each year, beginning in 2017, the depart-
24 ment shall post on its website a report regarding mentally ill [~~inmates~~]
25 incarcerated individuals and recidivism. Such report shall include but
26 not be limited to the following information:

27 1. The number of [~~inmates~~] incarcerated individuals released by the
28 department to the community during the reporting period, the number of
29 eligible inmates released to the community by the department during the
30 reporting period, and the percentage of [~~inmates~~] incarcerated individ-
31 uals released to the community by the department who were eligible
32 during the reporting period, provided that such report shall count each
33 individual released during the reporting period only once; and

34 2. The number and percentage of [~~inmates~~] incarcerated individuals
35 released to the community by the department during the reporting period
36 who returned to the custody of the department within one year of their
37 discharge, and the number and percentage of eligible [~~inmates~~] incarcer-
38 ated individuals released to the community by the department during the
39 reporting period who returned to the custody of the department within
40 one year of their discharge, provided that such report shall count each
41 individual released during the reporting period only once.

42 § 289. Subdivision a of section 9-144 of the administrative code of
43 the city of New York, as added by local law number 122 of the city of
44 New York for the year 2016, is amended to read as follows:

45 [~~a.~~] The department shall evaluate [~~inmate~~] incarcerated individual
46 programming each calendar year. For purposes of this section, "[~~inmate~~]
47 incarcerated individual programming" includes but is not limited to any
48 structured services offered directly to [~~inmates~~] incarcerated individ-
49 uals for the purposes of vocational training, counseling, cognitive
50 behavioral therapy, addressing drug dependencies, or any similar
51 purpose. No later than April 1 of each year, beginning in 2017, the
52 department shall submit a summary of each evaluation to the mayor and
53 the council, and post such summary to the department's website. This
54 summary shall include factors determined by the department, including,
55 but not be limited to, information related to the following for each
56 such program: (i) the amount of funding received; (ii) estimated number

1 of [~~inmates~~] incarcerated individuals served; (iii) a brief description
2 of the program including the estimated number of hours of programming
3 offered and utilized, program length, goals, target populations, effec-
4 tiveness, and outcome measurements, where applicable; and (iv) success-
5 ful completion and compliance rates, if applicable. Such summary shall
6 be permanently accessible from the department's website and shall be
7 provided in a format that permits automated processing, where appropri-
8 ate. Each yearly summary shall include a comparison of the current year
9 with the prior five years, where such information is available.

10 § 290. The second undesignated paragraph of subdivision a of section
11 9-145 of the administrative code of the city of New York, as added by
12 local law number 123 of the city of New York for the year 2016, is
13 amended to read as follows:

14 Staff. The term "staff" means any employee of the department or any
15 person who regularly provides health or counseling services directly to
16 [~~inmates~~] incarcerated individuals.

17 § 291. The section heading and subdivisions a and b of section 9-146
18 of the administrative code of the city of New York, as added by local
19 law number 178 of the city of New York for the year 2016, are amended to
20 read as follows:

21 [~~Inmate-court~~] Court appearance transportation for incarcerated indi-
22 viduals. a. By April 1, 2017 and upon gaining access to such database
23 described in subdivision c of this section, the department shall, within
24 48 hours of admission of an [~~inmate~~] incarcerated individual to the
25 custody of the department, determine whether an [~~inmate~~] incarcerated
26 individual has any pending court appearances scheduled in New York city
27 criminal court or the criminal term of New York state supreme court
28 other than those appearances for cases for which such defendant is
29 admitted to the custody of the department or that pertain solely to the
30 payment of court surcharges.

31 b. In complying with subdivision a of this section, the department
32 shall:

33 1. notify the office of court administration that such [~~inmate~~] incar-
34 cerated individual is in department custody upon determination of such
35 court appearance, pursuant to subdivision a of this section; and

36 2. provide, as required by the court, transportation for every
37 [~~inmate~~] incarcerated individual for all such court appearances.

38 § 292. Section 9-147 of the administrative code of the city of New
39 York, as added by local law number 180 of the city of New York for the
40 year 2016, is amended to read as follows:

41 § 9-147 [~~Inmate-court~~] Court appearance clothing for incarcerated
42 individuals. Except as provided elsewhere in this section, the depart-
43 ment shall provide every [~~inmate~~] incarcerated individual appearing for
44 a trial or before a grand jury with access to clothing in their personal
45 property prior to transport for such appearance, and produce all such
46 [~~inmates~~] incarcerated individuals for such appearances in such cloth-
47 ing. If such clothing is not available, or if an [~~inmate~~] incarcerated
48 individual chooses not to wear their personal clothing, the department
49 shall provide such [~~inmate~~] incarcerated individual with new or gently
50 used, size appropriate clothing of a kind customarily worn by persons
51 not in the custody of the department, unless (i) such [~~inmate~~] incarcer-
52 ated individual chooses to wear the uniform issued by the department, or
53 (ii) such [~~inmate~~] incarcerated individual is required to wear such
54 uniform by an order of the court. The department shall permit personal
55 clothing to be delivered to an [~~inmate~~] incarcerated individual during
56 such time as packages are permitted to be delivered under title 40 of

1 the rules of the city of New York or during reasonable hours the day
2 before an [~~inmate's~~] incarcerated individual's scheduled appearance for
3 a trial or before a grand jury. New or gently used, weather- and size-
4 appropriate clothing of a kind customarily worn by persons not in the
5 custody of the department shall be offered to any [~~inmate~~] incarcerated
6 individual released from the custody of the department from a court,
7 unless the [~~inmate~~] incarcerated individual is wearing the [~~inmate's~~]
8 incarcerated individual's own personal clothing.

9 § 293. Subdivisions a, b and c of section 9-148 of the administrative
10 code of the city of New York, as added by local law number 123 of the
11 city of New York for the year 2017, are amended to read as follows:

12 a. The department shall accept cash bail payments immediately and
13 continuously after an [~~inmate~~] incarcerated individual is admitted to
14 the custody of the department, except on such dates on which an [~~inmate~~]
15 incarcerated individual appears in court other than an arraignment in
16 criminal court.

17 b. The department shall release any [~~inmate~~] incarcerated individual
18 for whom bail or bond has been paid or posted within the required time
19 period of the later of such payment being made or the department's
20 receipt of notice thereof, provided that if an [~~inmate~~] incarcerated
21 individual cannot be released within the required time period due to
22 extreme and unusual circumstances then such [~~inmate~~] incarcerated indi-
23 vidual shall be released as soon as possible. Such timeframe may be
24 extended when any of the following occurs, provided that the [~~inmate's~~]
25 incarcerated individual's release shall be forthwith as that term is
26 used in section 520.15 of the criminal procedure law:

27 1. The [~~inmate~~] incarcerated individual receives discharge planning
28 services prior to release;

29 2. The [~~inmate~~] incarcerated individual has a warrant or hold from
30 another jurisdiction or agency;

31 3. The [~~inmate~~] incarcerated individual is being transported at the
32 time bail or bond is paid or posted;

33 4. The [~~inmate~~] incarcerated individual is not in departmental custody
34 at the time bail or bond is paid or posted;

35 5. The [~~inmate~~] incarcerated individual requires immediate medical or
36 mental health treatment; or

37 6. Section 520.30 of the criminal procedure law necessitates a delay.

38 c. The department shall accept or facilitate the acceptance of cash
39 bail payments for [~~inmates~~] incarcerated individuals in the custody of
40 the department: (i) at any courthouse of the New York City Criminal
41 Court, (ii) at any location within one half mile of any such courthouse
42 during all operating hours of such courthouse and at least two hours
43 subsequent to such courthouse's closing, or (iii) online.

44 § 294. Subdivision a, the opening paragraph of subdivision b, subdivi-
45 sions c and d of section 9-149 of the administrative code of the city of
46 New York, as added by local law number 124 of the city of New York for
47 the year 2017, are amended to read as follows:

48 a. In order to facilitate the posting of bail, the department may
49 delay the transportation of an [~~inmate~~] incarcerated individual for
50 admission to a housing facility for not less than four and not more than
51 12 hours following the inmate's arraignment in criminal court if
52 requested by either the department or a not-for-profit corporation under
53 contract with the city to provide pretrial and other criminal justice
54 services, including interviewing adult defendants either before or after
55 such persons are arraigned on criminal charges, has made direct contact

1 with a person who reports that he or she will post bail for the [~~inmate~~]
2 incarcerated individual.

3 Such delay is not permissible for any [~~inmate~~] incarcerated individual
4 who:

5 c. This section does not require the department to exceed the lawful
6 capacity of any structure or unit, or require the department to detain
7 [~~inmates~~] incarcerated individuals in courthouse facilities during such
8 times as correctional staff are not regularly scheduled to detain
9 [~~inmates~~] incarcerated individuals provided that the department must
10 provide for the regular staffing of courthouse facilities for at least
11 one hour after the last [~~inmate~~] incarcerated individual was taken into
12 custody on bail.

13 d. Beginning July 1, 2018, the department or its designee shall submit
14 to the council an annual report regarding the implementation of subdivi-
15 sions a and b of this section. Such report shall include the following
16 information:

17 1. The locations in which the department has implemented the
18 provisions of this section;

19 2. In such locations, the number of [~~inmates~~] incarcerated individuals
20 whose admission to a housing facility was delayed pursuant to this
21 section;

22 3. The number and percentage of such [~~inmates~~] incarcerated individ-
23 uals who posted bail during such delay and the number and percentage of
24 such [~~inmates~~] incarcerated individuals who posted bail during the two
25 calendar days following such [~~inmates~~] incarcerated individuals'
26 arraignment; and

27 4. The number of [~~inmates~~] incarcerated individuals whose admission to
28 a housing facility was delayed and who required medical treatment during
29 such period of delay.

30 § 295. Section 9-150 of the administrative code of the city of New
31 York, as added by local law number 125 of the city of New York for the
32 year 2017, is amended to read as follows:

33 § 9-150 Bail facilitation.

34 Definitions. As used in this section, the following terms have the
35 following meanings:

36 Bail facilitator. The term "bail facilitator" means a person or
37 persons whose duties include explaining to eligible [~~inmates~~] incarcer-
38 ated individuals how to post bail or bond, explaining the fees that may
39 be collected by bail bonds companies, taking reasonable steps to commu-
40 nicate directly with or facilitate [~~inmate~~] incarcerated individual
41 communication with possible sureties, and taking any other reasonable
42 measures to assist [~~inmates~~] incarcerated individuals in posting bail or
43 bond.

44 Eligible [~~inmate~~] incarcerated individual. The term "eligible
45 [~~inmate~~] incarcerated individual" means a person in the custody of the
46 department held only on bail or bond.

47 a. Within 24 hours of taking custody of an eligible [~~inmate~~] incarcer-
48 ated individual, the department shall provide to such [~~inmate~~] incarcer-
49 ated individual the following information in written form: (i) the
50 [~~inmate's~~] incarcerated individual's amount of bail or bond, (ii) the
51 [~~inmate's~~] incarcerated individual's New York state identification
52 number or booking and case number or other unique identifying number,
53 (iii) options for all forms of bail payment and all steps required for
54 such payment, including the locations at which a surety may post bail
55 and the requirements for so posting, and (iv) any other information

1 relevant to assisting the [~~inmate~~] incarcerated individual in posting
2 bail or bond.

3 b. Within 24 hours of taking custody of eligible [~~inmates~~] incarcerat-
4 ed individuals, the department shall notify such [~~inmates~~] incarcerated
5 individuals that they may post their own bail. Within such time period,
6 the department shall, to the extent practicable and in a manner consist-
7 ent with officer safety and all applicable laws, offer such [~~inmates~~]
8 incarcerated individuals the opportunity to obtain property, including
9 personal contact information and financial resources, that such
10 [~~inmates~~] incarcerated individuals may require for the purpose of post-
11 ing bail and which is stored in such [~~inmate's~~] incarcerated individ-
12 ual's personal property, provided that any member of the department who
13 accesses such [~~inmate's~~] incarcerated individual's property pursuant to
14 this subdivision shall request access only for the purpose of facilitat-
15 ing posting bail.

16 c. The department shall ensure that bail facilitators meet with all
17 eligible [~~inmates~~] incarcerated individuals within 48 hours of their
18 admission to the custody of the department, that eligible [~~inmates~~]
19 incarcerated individuals have continued access to bail facilitators, and
20 that bail facilitators are provided with reasonable resources necessary
21 to fulfill their duties.

22 § 296. Subdivision d of section 9-151 of the administrative code of
23 the city of New York, as added by local law number 168 of the city of
24 New York for the year 2017, is amended to read as follows:

25 d. The department of correction report shall include, but need not be
26 limited to, the following information, which shall be produced in a
27 format that protects the privacy interests of [~~inmates~~] incarcerated
28 individuals, including but not limited to those who have juvenile
29 records and sealed criminal records or are otherwise protected by state
30 or federal law. The student age as of the incident date will be used to
31 categorize the student as adolescent or young adult, for the purposes of
32 this reporting.

33 § 297. The second undesignated paragraph of subdivision a of section
34 9-152 of the administrative code of the city of New York, as added by
35 local law number 216 of the city of New York for the year 2017, is
36 amended to read as follows:

37 Incident. The term "incident" means any incident in which staff used
38 force on an [~~inmate~~] incarcerated individual.

39 § 298. The opening paragraph and paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9,
40 10, 12, 13, 14, 15, 33 and the opening paragraphs of paragraphs 11 and
41 16 of subdivision a of section 9-306 of the administrative code of the
42 city of New York, as added by local law number 86 of the city of New
43 York for the year 2015 and such section as renumbered by local law
44 number 25 of the city of New York for the year 2018, are amended to read
45 as follows:

46 Within 90 days of the beginning of each reporting period, the office
47 of criminal justice shall post on its website a report regarding bail
48 and the criminal justice system for the preceding reporting period. The
49 reporting period for paragraphs 1, 3, 14, and 15 of this subdivision is
50 quarterly, the reporting period for paragraphs 2, 4, 5, 6, 7, 8, 9, 10,
51 11, 12, 13, and 16 is semi-annually, and the reporting period for para-
52 graphs 17 through 33 is annually. For the purposes of this subdivision,
53 any [~~inmate~~] incarcerated individual incarcerated on multiple charges
54 shall be deemed to be incarcerated only on the most serious charge, a
55 violent felony shall be deemed to be more serious than a non-violent
56 felony of the same class, any [~~inmate~~] incarcerated individual incarcer-

1 ated on multiple charges of the same severity shall be deemed to be held
2 on each charge, any [~~inmate~~] incarcerated individual incarcerated on
3 multiple bail amounts shall be deemed to be held only on the highest
4 bail amount, any [~~inmate~~] incarcerated individual held on pending criminal
5 charges who has a parole hold shall be deemed to be held only on the
6 parole hold, any [~~inmate~~] incarcerated individual held on pending criminal
7 charges who has any other hold shall be deemed to be held only on
8 the pending criminal charges, and any [~~inmate~~] incarcerated individual
9 incarcerated on multiple cases in which sentence has been imposed on at
10 least one of such cases shall be deemed to be sentenced. Such report
11 shall contain the following information, for the preceding reporting
12 period or for the most recent reporting period for which such information
13 is available, to the extent such information is available:

14 1. The average daily population of [~~inmates~~] incarcerated individuals
15 in the custody of the department of correction.

16 2. The number of [~~inmates~~] incarcerated individuals admitted to the
17 custody of the department of correction during the reporting period who
18 had been sentenced to a definite sentence, the number held on pending
19 criminal charges, and the number in any other category.

20 3. Of the number of [~~inmates~~] incarcerated individuals in the custody
21 of the department of correction on the last Friday of each calendar
22 month of the reporting period, the percentage who had been sentenced to
23 a definite sentence, the percentage held on pending criminal charges,
24 and the percentage in any other category.

25 4. Of the number of [~~inmates~~] incarcerated individuals in the custody
26 of the department of correction on the last Friday of each calendar
27 month of the reporting period held on pending criminal charges, the
28 percentage who were remanded without bail.

29 5. The number of [~~inmates~~] incarcerated individuals in the custody of
30 the department of correction who were sentenced to a definite sentence
31 during the reporting period of the following length: (a) 1-15 days; (b)
32 16-30 days; (c) 31-90 days; (d) 91-180 days; or (e) more than 180 days.

33 6. Of the number of [~~inmates~~] of incarcerated individuals in the custody
34 of the department of correction on the last Friday of each calendar
35 month of the reporting period who were sentenced to a definite sentence,
36 the percentage of [~~inmates~~] incarcerated individuals whose sentences
37 were of the following lengths: (a) 1-15 days; (b) 16-30 days; (c) 31-90
38 days; (d) 91-180 days; or (e) more than 180 days.

39 7. The number of [~~inmates~~] incarcerated individuals admitted to the
40 custody of the department of correction during the reporting period on
41 pending criminal charges who were charged with offenses of the following
42 severity: (a) class A felonies; (b) class B or C felonies; (c) class D
43 or E felonies; (d) misdemeanors; or (e) non-criminal charges.

44 8. Of the number of [~~inmates~~] incarcerated individuals in the custody
45 of the department of correction on the last Friday of each calendar
46 month of the reporting period held on pending criminal charges, the
47 percentage charged with offenses of the following severity: (a) class A
48 felonies; (b) class B or C felonies; (c) class D or E felonies; (d)
49 misdemeanors; or (e) non-criminal charges.

50 9. The number of [~~inmates~~] incarcerated individuals admitted to the
51 custody of the department of correction during the reporting period on
52 pending criminal charges who were charged with offenses of the following
53 severity: (a) class A felonies disaggregated by offense; (b) violent
54 felonies as defined in section 70.02 of the penal law; (c) non-violent
55 felonies as defined in section 70.02 of the penal law; (d) misdemeanors;
56 or (e) non-criminal charges.

1 10. Of the number of [~~inmates~~] incarcerated individuals in the custody
2 of the department of correction on the last Friday of each calendar
3 month of the reporting period held on pending criminal charges, the
4 percentage charged with offenses of the following severity: (a) class A
5 felonies disaggregated by offense; (b) violent felonies as defined in
6 section 70.02 of the penal law; (c) non-violent felonies as defined in
7 section 70.02 of the penal law; (d) misdemeanors; or (e) non-criminal
8 charges.

9 Of the number of [~~inmates~~] incarcerated individuals in the custody of
10 the department of correction on the last Friday of each calendar month
11 of the reporting period held on pending criminal charges, the percentage
12 charged with offenses of the following type, including the attempt to
13 commit any of such offense as defined in [~~section~~] article 110 of the
14 penal law:

15 12. The number of [~~inmates~~] incarcerated individuals admitted to the
16 custody of the department of correction during the reporting period on
17 pending criminal charges who were charged with offenses in the catego-
18 ries defined in subparagraphs a, b, and c of paragraph 11 of this subdivi-
19 sion.

20 13. The number of [~~inmates~~] incarcerated individuals admitted to the
21 custody of the department of correction during the reporting period on
22 pending criminal charges who had bail fixed in the following amounts:
23 (a) \$1; (b) \$2-\$500; (c) \$501-\$1000; (d) \$1001-\$2500; (e) \$2501-\$5000;
24 (f) \$5001-\$10,000; (g) \$10,001-\$25,000; (h) \$25,001-\$50,000; (i)
25 \$50,001-\$100,000; or (j) more than \$100,000.

26 14. Of the number of [~~inmates~~] incarcerated individuals in the custody
27 of the department of correction on the final Friday of each calendar
28 month of the reporting period who were held on pending criminal charges,
29 the percentage who had bail fixed in the following amounts: (a) \$1; (b)
30 \$2-\$500; (c) \$501-\$1000; (d) \$1001-\$2500; (e) \$2501-\$5000; (f)
31 \$5001-\$10,000; (g) \$10,001-\$25,000; (h) \$25,001-\$50,000; (i)
32 \$50,001-\$100,000; or (j) more than \$100,000.

33 15. Of the number of [~~inmates~~] incarcerated individuals in the custody
34 of the department of correction on the final day of the reporting period
35 who were held on pending criminal charges, the percentage who had been
36 incarcerated for the following lengths of time: (a) 1-2 days; (b) 3-5
37 days; (c) 6-15 days; (d) 16-30 days; (e) 31-90 days; (f) 91-180 days;
38 (g) 180-365 days; or (h) more than 365 days.

39 The information in paragraphs 1, 5, 7, 9, 13, 15, 30, 31, 32, and 33
40 of this subdivision disaggregated by the borough in which the [~~inmate's~~]
41 incarcerated individual's case was pending. This data shall be listed
42 separately and shall also be compared to the following crime rates
43 disaggregated by borough:

44 33. Of the number of [~~inmates~~] incarcerated individuals in the custody
45 of the department of correction on the last Friday of each calendar
46 month who were held on pending criminal charges during the reporting
47 period, the percentage in which the status of the criminal case on the
48 final day of the reporting period is as follows: (a) the charges are
49 pending and the defendant was released by posting bail; (b) the charges
50 are pending and the defendant was released by court order; (c) the
51 charges are pending and the defendant was not released; (d) conviction
52 for a violent felony; (e) conviction for a non-violent felony; (f)
53 conviction for a misdemeanor; (g) conviction for a non-criminal offense;
54 (h) charges dismissed or adjourned in contemplation of dismissal; or (i)
55 any other disposition.

1 § 299. Subdivision (e) of section 11-4021 of the administrative code
2 of the city of New York, as amended by chapter 556 of the laws of 2011,
3 is amended to read as follows:

4 (e) In the alternative, the commissioner of finance may dispose of any
5 cigarettes seized pursuant to this section, except those that violate,
6 or are suspected of violating, federal trademark laws or import laws, by
7 transferring them to the department of correction for sale to or use by
8 [~~inmates~~] incarcerated individuals in such institutions.

9 § 300. Subdivision b of section 14-140 of the administrative code of
10 the city of New York, as amended by local law number 28 of the city of
11 New York for the year 1987, is amended to read as follows:

12 b. Custody of property and money. All property or money taken from the
13 person or possession of a prisoner, all property or money suspected of
14 having been unlawfully obtained or stolen or embezzled or of being the
15 proceeds of crime or derived through crime or derived through the
16 conversion of unlawfully acquired property or money or derived through
17 the use or sale of property prohibited by law from being held, used or
18 sold, all property or money suspected of having been used as a means of
19 committing crime or employed in aid or furtherance of crime or held,
20 used or sold in violation of law, all money or property suspected of
21 being the proceeds of or derived through bookmaking, policy, common
22 gambling, keeping a gambling place or device, or any other form of ille-
23 gal gambling activity and all property or money employed in or in
24 connection with or in furtherance of any such gambling activity, all
25 property or money taken by the police as evidence in a criminal investi-
26 gation or proceeding, all property or money taken from or surrendered by
27 a pawnbroker on suspicion of being the proceeds of crime or of having
28 been unlawfully obtained, held or used by the person who deposited the
29 same with the pawnbroker, all property or money which is lost or aban-
30 doned, all property or money left uncared for upon a public street,
31 public building or public place, all property or money taken from the
32 possession of a person appearing to be insane, intoxicated or otherwise
33 incapable of taking care of himself or herself, that shall come into the
34 custody of any member of the police force or criminal court, and all
35 property or money of [~~inmates~~] incarcerated individuals of any city
36 hospital, prison or institution except the property found on deceased
37 persons that shall remain unclaimed in its custody for a period of one
38 month, shall be given, as soon as practicable, into the custody of and
39 kept by the property clerk except that vehicles suspected of being
40 stolen or abandoned and evidence vehicles as defined in subdivision b of
41 section 20-495 of the code may be taken into custody in the manner
42 provided for in subdivision b of section 20-519 of the code.

43 § 301. Intentionally omitted.

44 § 302. Intentionally omitted.

45 § 303. Intentionally omitted.

46 § 304. The opening paragraph of subdivision a of section 17-199 of the
47 administrative code of the city of New York, as added by local law
48 number 58 of the city of New York for the year 2015, is amended to read
49 as follows:

50 The department shall submit to the mayor and the speaker of the coun-
51 cil no later than July 15, 2015, and every three months thereafter, a
52 report regarding the medical and mental health services provided to
53 [~~inmates~~] incarcerated individuals in city correctional facilities
54 during the previous three calendar months that includes, but need not be
55 limited to:

1 § 305. The third and fourth undesignated paragraphs of section 17-1801
2 of the administrative code of the city of New York, as added by local
3 law number 124 of the city of New York for the year 2016, is amended to
4 read as follows:

5 Health evaluation. The term "health evaluation" means any evaluation
6 of an [~~inmate's~~] incarcerated individual's health and mental health upon
7 their admission to the custody of the department of correction pursuant
8 to minimum standards of [~~inmate~~] incarcerated individual care estab-
9 lished by the board of correction.

10 [~~Inmate~~] Incarcerated individual. The term [~~"inmate"~~] "incarcerated
11 individual" means any person in the custody of the New York city depart-
12 ment of correction.

13 § 306. The section heading of section 17-1803 of the administrative
14 code of the city of New York, as added by local law number 124 of the
15 city of New York for the year 2016, is amended to read as follows:

16 [~~Inmate—health~~] Health information from screening of incarcerated
17 individuals.

18 § 307. Section 17-1804 of the administrative code of the city of New
19 York, as added by local law number 124 of the city of New York for the
20 year 2016, is amended to read as follows:

21 § 17-1804 [~~Inmate—health~~] Health information exchange of incarcerated
22 individuals. The department or its designee shall establish procedures
23 to obtain the pre-arraignment screening record created pursuant to
24 section 17-1802 and any medical records created and maintained by any
25 hospital in connection with treatment provided to an arrestee who subse-
26 quently enters the custody of the department of correction, at the
27 request of any health care provider conducting a health evaluation of
28 such [~~inmate~~] incarcerated individuals.

29 § 308. Intentionally omitted.

30 § 309. Intentionally omitted.

31 § 310. Intentionally omitted.

32 § 311. Intentionally omitted.

33 § 312. Section 27-260 of the administrative code of the city of New
34 York is amended to read as follows:

35 § 27-260 Classification. Buildings and spaces shall be classified in
36 the institutional occupancy group when persons suffering from physical
37 limitations because of health or age are harbored therein for care or
38 treatment; when persons are detained therein for penal or correctional
39 purposes; or when the liberty of the [~~inmates~~] incarcerated individuals
40 is restricted. The institutional occupancy group consists of sub groups
41 H-1 and H-2.

42 § 313. Subdivision b of section 403.4.1 of chapter 4 of the New York
43 city plumbing code, as amended by local law number 79 of the city of New
44 York for the year 2016, is amended to read as follows:

45 b. Toilet facilities for employees shall be separate from facilities
46 for [~~inmates~~] incarcerated individuals or patients.

47 § 314. Subdivision e of section 13-c of the New York city charter, as
48 added by local law number 103 of the city of New York for the year 2016,
49 is amended to read as follows:

50 e. Four-year plan. Within one year after the completion of the first
51 biennial report required by subdivision d of this section, and in every
52 fourth calendar year thereafter, the coordinator shall prepare and
53 submit to the mayor and the council a four-year plan for providing
54 reentry services to those city residents who need such services. Such
55 plan may include recommendations for approaches to serving city resi-
56 dents in need of reentry services, including the establishment of an

1 initial point of access for individuals immediately upon their release
2 from the custody of the department of correction in a location adjacent
3 to Rikers Island or to the correctional facility that releases the most
4 [~~inmates~~] incarcerated individuals daily. Such report and plan shall
5 also identify obstacles to making such services available to all those
6 who need them and describe what additional resources would be necessary
7 to do so.

8 § 315. Paragraph 8 of subdivision d of section 556 of the New York
9 city charter, as added by a vote of the people of the city of New York
10 at the general election held in November of 2001, section 11 of proposal
11 number 5, is amended to read as follows:

12 (8) promote or provide medical and health services for the [~~inmates~~]
13 incarcerated individuals of prisons maintained and operated by the city;

14 § 316. Section 625 of the New York city charter is amended to read as
15 follows:

16 § 625. Labor of prisoners. Every [~~inmate~~] incarcerated individual of
17 an institution under the authority of the commissioner shall be employed
18 in some form of industry, in farming operations or other employment, and
19 products thereof shall be utilized in the institutions under the commis-
20 sioner or in any other agency. Those persons held for trial may be
21 employed in the same manner as sentenced prisoners, provided they give
22 their consent in writing. Such [~~inmates~~] incarcerated individuals or
23 prisoners held for trial may be detailed by the commissioner to perform
24 work or service on the grounds and buildings or on any public improve-
25 ment under the charge of any other agency.

26 § 317. Paragraph 1 of subdivision d of section 803 of the New York
27 city charter, as added by local law number 165 of the city of New York
28 for the year 2016, is amended to read as follows:

29 1. The commissioner shall, immediately upon appointment of the indi-
30 vidual described in paragraph 2 of this subdivision, in addition to the
31 investigatory work done in the normal course of the commissioner's
32 duties, on an ongoing basis, conduct system-wide investigations,
33 reviews, studies, and audits, and make recommendations regarding
34 system-wide operations, policies, programs, and practices of the depart-
35 ment of correction, with the goal of improving conditions in city jails,
36 including but not limited to, reducing violence in departmental facili-
37 ties, protecting the safety of departmental employees and [~~inmates~~]
38 incarcerated individuals, protecting the rights of [~~inmates~~] incarcerat-
39 ed individuals, and increasing the public's confidence in the department
40 of correction. The commissioner may consider, in addition to any other
41 information the commissioner deems relevant, information regarding civil
42 actions filed in state or federal court against individual correction
43 officers or the city regarding the department of correction, notices of
44 claim received by the comptroller filed against individual correction
45 officers or the city regarding the department of correction, settlements
46 by the comptroller of claims filed against individual correction offi-
47 cers or the city regarding the department of correction, complaints
48 received and investigations conducted by the board of correction,
49 complaints received and any investigations regarding such complaints
50 conducted by the department of correction, complaints received pursuant
51 to section 804 of this chapter, and any criminal arrests or investi-
52 gations of individual correction officers known to the department of
53 investigation in its ongoing review of the department of correction.

54 § 318. Subdivision 9 of section 1057-a of the New York city charter,
55 as added by local law number 138 of the city of New York for the year
56 2016, is amended to read as follows:

1 9. In addition to the other requirements of this section, the depart-
2 ment of correction shall implement and administer a program of distrib-
3 ution and submission of absentee ballot applications, and subsequently
4 received absentee ballots, for eligible [~~inmates~~] incarcerated individ-
5 uals. Such department shall offer, to all [~~inmates~~] incarcerated indi-
6 viduals who are registered to vote, absentee ballot applications, and a
7 means to complete them, during the period from sixty days prior to any
8 primary, special, or general election in the city of New York until two
9 weeks prior to any such election. Such department shall subsequently
10 provide any absentee ballot received from the board of elections in
11 response to any such application to the applicable [~~inmate~~] incarcerated
12 individual, as well as a means to complete it. Such department shall
13 provide assistance to any such [~~inmate~~] incarcerated individual in fill-
14 ing out such application or ballot upon request. Such department shall,
15 not later than five days after receipt, transmit such completed applica-
16 tions and ballots from any [~~inmate~~] incarcerated individual who wishes
17 to have them transmitted to the board of elections for the city of New
18 York. The provisions of this subdivision shall not apply in any specific
19 instance in which the department deems it unsafe to comply therewith.

20 § 319. Whenever the term "inmate" or any equivalent expression thereof
21 is used in any provision of law, such term shall be deemed to mean and
22 refer to an "incarcerated individual" or variation thereof.

23 § 320. Any provision of any act of the legislature enacted in the
24 calendar year in which this act is enacted, which contains a reference
25 to an inmate or an equivalent expression thereof shall be deemed to mean
26 or refer to an incarcerated individual as the context requires pursuant
27 to the provisions of this act.

28 § 321. The commissioner of the department of corrections and community
29 supervision and the commissioner of the department of criminal justice
30 services shall act to remove references to "inmate" or an equivalent
31 expression thereof from internal documents and replace such references
32 to "incarcerated individual" as the context requires.

33 § 322. This act shall take effect immediately, provided, however,
34 that:

35 1. the amendments to subdivision 1 of section 259-c of the executive
36 law made by section eight of this act shall be subject to the expiration
37 and reversion of such subdivision pursuant to subdivision d of section
38 74 of chapter 3 of the laws of 1995, as amended, when upon such date the
39 provisions of section eight-a of this act shall take effect;

40 2. the amendments to subdivision 2 of section 259-c of the executive
41 law made by section eight-b of this act shall take effect on the same
42 date and in the same manner as section 38-b of subpart A of part C of
43 chapter 62 of the laws of 2011, takes effect;

44 3. the amendments to paragraph (a) of subdivision 2 and paragraph (d)
45 of subdivision 3 of section 259-i of the executive law made by section
46 eleven of this act shall be subject to the expiration and reversion of
47 such paragraphs pursuant to subdivision d of section 74 of chapter 3 of
48 the laws of 1995, as amended, when upon such date the provisions of
49 section eleven-a of this act shall take effect;

50 4. the amendments to paragraph (a) of subdivision 1 of section 259-r
51 of the executive law made by section fourteen of this act shall be
52 subject to the expiration and reversion of such paragraph pursuant to
53 subdivision d of section 74 of chapter 3 of the laws of 1995, as
54 amended, when upon such date the provisions of section fourteen-a of
55 this act shall take effect;

1 5. the amendments to paragraph b of subdivision 2 of section 265 of
2 the executive law made by section sixteen of this act shall not affect
3 the repeal of such section and shall be deemed repealed therewith;

4 6. the amendments to paragraph (a-1) of subdivision 1 of section
5 2807-c of the public health law made by section fifty-three of this act
6 shall be subject to the expiration and reversion of such paragraph
7 pursuant to subdivision 5 of section 168 of chapter 639 of the laws of
8 1996, as amended, when upon such date the provisions of section fifty-
9 three-a of this act shall take effect;

10 7. the amendments to subdivision 5 of section 60.35 of the penal law
11 made by section one hundred three of this act shall be subject to the
12 expiration and reversion of such subdivision pursuant to subdivision h
13 of section 74 of chapter 3 of the laws of 1995, as amended, when upon
14 such date the provisions of section one hundred three-a of this act
15 shall take effect;

16 8. the amendments to paragraph (d) of subdivision 1 of section 70.20
17 of the penal law made by section one hundred four of this act shall be
18 subject to the expiration and reversion of such subdivision pursuant to
19 subdivision d of section 74 of chapter 3 of the laws of 1995, as
20 amended, when upon such date the provisions of section one hundred
21 four-a of this act shall take effect;

22 9. the amendments to subdivision 18 of section 2 of the correction law
23 made by section one hundred seven of this act shall be subject to the
24 expiration and reversion of such subdivision pursuant to subdivision (q)
25 of section 427 of chapter 55 of the laws of 1992, as amended, when upon
26 such date the provisions of section one hundred seven-a of this act
27 shall take effect;

28 10. the amendments to subdivision 17 of section 45 of the correction
29 law made by section one hundred twenty-one of this act shall not affect
30 the repeal of such subdivision and shall be deemed repealed therewith;

31 11. the amendments to subdivision 5 of section 72 of the correction
32 law made by section one hundred twenty-eight of this act shall be
33 subject to the expiration and reversion of such subdivision pursuant to
34 section 10 of chapter 339 of the laws of 1972, as amended, when upon
35 such date the provisions of section one hundred twenty-eight-a of this
36 act shall take effect;

37 12. the amendments to section 72-a of the correction law made by
38 section one hundred twenty-nine of this act shall not affect the expira-
39 tion of such section and shall be deemed to expire therewith;

40 13. the amendments to section 91 of the correction law made by section
41 one hundred forty-two of this act shall be subject to the expiration and
42 reversion of such section pursuant to section 8 of part H of chapter 56
43 of the laws of 2009, as amended, when upon such date the provisions of
44 section one hundred forty-two-a of this act shall take effect;

45 14. the amendments to section 92 of the correction law made by section
46 one hundred forty-three of this act shall be subject to the expiration
47 and reversion of such section pursuant to section 8 of part H of chapter
48 56 of the laws of 2009, as amended, when upon such date the provisions
49 of section one hundred forty-three-a of this act shall take effect;

50 15. the amendments to sections 500-b, 500-c, and 500-o of the
51 correction law made by sections one hundred ninety-eight, one hundred
52 ninety-nine, and two hundred three of this act shall not affect the
53 repeal of such sections and shall be deemed repealed therewith;

54 16. the amendments to subdivision (a) of section 601 of the correction
55 law made by section two hundred nine of this act shall be subject to the
56 expiration and reversion of such subdivision pursuant to subdivision d

1 of section 74 of chapter 3 of the laws of 1995, as amended, when upon
2 such date the provisions of section two hundred nine-a of this act shall
3 take effect;

4 17. the amendments to subdivision (b) of section 601 of the correction
5 law made by section two hundred nine-a of this act shall take effect on
6 the same date and in the same manner as section 6 of chapter 738 of the
7 laws of 2004, takes effect;

8 18. the amendments to article 22-A of the correction law made by
9 sections two hundred twenty, two hundred twenty-one, two hundred twen-
10 ty-two and two hundred twenty-three of this act shall not affect the
11 expiration of such article and shall be deemed to expire therewith;

12 19. the amendments to section 803 of the correction law made by
13 section two hundred twenty-four of this act shall be subject to the
14 expiration and reversion of such section pursuant to subdivision d of
15 section 74 of chapter 3 of the laws of 1995, as amended, when upon such
16 date the provisions of section two hundred twenty-four-a of this act
17 shall take effect;

18 20. the amendments to section 805 of the correction law made by
19 section two hundred twenty-six of this act shall be subject to the expi-
20 ration and reversion of such section pursuant to subdivision d of
21 section 74 of chapter 3 of the laws of 1995, as amended, when upon such
22 date the provisions of section two hundred twenty-six-a of this act
23 shall take effect;

24 21. the amendments to section 806 of the correction law made by
25 section two hundred twenty-seven of this act shall not affect the repeal
26 of such section and shall be deemed repealed therewith;

27 22. the amendments to subdivision 2 of section 851 of the correction
28 law made by section two hundred twenty-eight of this act shall be
29 subject to the expiration and reversion of such subdivision and section
30 pursuant to subdivision (c) of section 46 of chapter 60 of the laws of
31 1994 and section 10 of chapter 339 of the laws of 1972, as amended, when
32 upon such date the provisions of section two hundred twenty-eight-b of
33 this act shall take effect;

34 23. the amendments to section 851 of the correction law made by
35 sections two hundred twenty-eight-b and two hundred twenty-eight-c of
36 this act shall be subject to the expiration and reversion of such
37 section pursuant to subdivision (c) of section 46 of chapter 60 of the
38 laws of 1994, section 10 of chapter 339 of the laws of 1972, and section
39 5 of chapter 554 of the laws of 1986, as amended, when upon such date
40 section two hundred twenty-eight-d of this act shall take effect;

41 24. the amendments to section 851 of the correction law, made by
42 section two hundred twenty-eight-a of this act, shall not affect the
43 expiration and reversion of such section pursuant to chapter 339 of the
44 laws of 1972, as amended, and shall expire therewith, when upon such
45 date section two hundred twenty-eight-c of this act shall take effect;

46 25. the amendments to section 852 of the correction law, made by
47 section two hundred twenty-nine of this act shall be subject to the
48 expiration and reversion of such section pursuant to chapter 339 of the
49 laws of 1972, as amended, when upon such date the provisions of section
50 two hundred twenty-nine-a of this act shall take effect;

51 26. the amendments to section 855 of the correction law, made by
52 section two hundred thirty-one of this act, shall not affect the expira-
53 tion and reversion of such section pursuant to chapter 339 of the laws
54 of 1972, as amended, and shall expire therewith, when upon such date the
55 provisions of section two hundred thirty-one-a of this act shall take
56 effect;

1 27. the amendments to section 856 of the correction law made by
2 section two hundred thirty-two of this act shall be subject to the expi-
3 ration and reversion of such section pursuant to chapter 339 of the laws
4 of 1972, as amended, when upon such date the provisions of section two
5 hundred thirty-two-a of this act shall take effect;

6 27-a. the amendments to section 865 of the correction law made by
7 section two hundred thirty-seven of this act shall take effect on the
8 same date and in the same manner as section 2 of part KK of chapter 55
9 of the laws of 2019, takes effect;

10 28. the amendments to subdivision 9 of section 10 of the court of
11 claims act made by section two hundred forty-six of this act shall not
12 affect the expiration of such subdivision and shall be deemed to expire
13 therewith;

14 29. the amendments to subdivision (f) of section 1101 of the civil
15 practice law and rules made by section two hundred forty-nine of this
16 act shall not affect the expiration of such subdivision and shall be
17 deemed to expire therewith;

18 30. the amendments to section 9-135 of the administrative code of the
19 city of New York made by section two hundred eighty of this act shall
20 not affect the repeal of such section and shall be deemed repealed ther-
21 ewith; and

22 31. the amendments to subdivision d of section 9-149 of the adminis-
23 trative code of the city of New York made by section two hundred nine-
24 ty-four of this act shall not affect the repeal of such subdivision and
25 shall be deemed repealed therewith.