STATE OF NEW YORK

1696

2019-2020 Regular Sessions

IN SENATE

January 15, 2019

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the correction law, in relation to requiring structured out-of-cell programming for adolescents in segregated disciplinary confinement

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

Section 1. The opening paragraph of subdivision 6 of section 137 of the correction law, as amended by chapter 1 of the laws of 2008, is amended to read as follows:

Except as provided in paragraphs (d) [~~and~~], (e) **and (g)** of this subdivision, the superintendent of a correctional facility may keep any inmate confined in a cell or room, apart from the accommodations provided for inmates who are participating in programs of the facility, for such period as may be necessary for maintenance of order or discipline, but in any such case the following conditions shall be observed:

§ 2. Subdivision 6 of section 137 of the correction law is amended by adding a new paragraph (g) to read as follows:

(g) Any inmate under the age of twenty-one who is in segregated disciplinary confinement must be offered at least four hours a day of structured out-of-cell programming, in addition to exercise, and may be provided with additional out-of-cell activities for good behavior. The inmate's education, mental health and other programming needs must be addressed during any such period of segregated confinement and the inmate must be given significant daily opportunity to engage in physical activity. No such inmate shall be kept in punitive isolation, be denied telephone calls or visits or be placed on a restrictive diet as a sanction for misbehavior. Such inmates may not be housed in a special housing unit for adults unless there are exceptional circumstances which would create an unacceptable risk to the safety and security of other

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

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inmates or staff. In such exceptional circumstances the inmate's case shall be immediately referred to the commissioner for review and resolution. Any such placement in an adult special housing unit shall not exceed fifteen days.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.