

# STATE OF NEW YORK

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3100

2019-2020 Regular Sessions

## IN SENATE

February 4, 2019

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Introduced by Sen. BIAGGI -- 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 allowing a telephone call prior to an inmate's transfer

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

1 Section 1. Subdivision 1 of section 23 of the correction law, as  
2 amended by chapter 254 of the laws of 2017, is amended to read as  
3 follows:

4 1. The commissioner shall have the power to transfer inmates from one  
5 correctional facility to another. Whenever the transfer of inmates from  
6 one correctional facility to another shall be ordered by the commission-  
7 er, the superintendent of the facility from which the inmates are trans-  
8 ferred shall take immediate steps to make the transfer. The transfer  
9 shall be in accordance with rules and regulations promulgated by the  
10 department for the safe delivery of such inmates to the designated  
11 facility. [~~Within~~] Immediately prior to the transfer, the department  
12 shall electronically notify the inmate's next of kin or personal repre-  
13 sentative of the transfer and the inmate shall be allowed to make at  
14 least one personal phone call, except under exceptional circumstances  
15 when to do so would create an unacceptable risk to the safety and secu-  
16 rity of inmates or staff. When a call is not permitted due to excep-  
17 tional circumstances, the department shall so indicate in a contempora-  
18 neous written document. Additionally, within twenty-four hours of  
19 arriving at the facility to which an inmate is transferred, he or she  
20 shall be allowed to make at least one personal phone call, except when  
21 to do so would create an unacceptable risk to the safety and security of  
22 inmates or staff. If security precautions prevent the inmate from making  
23 such call, a staff member designated by the superintendent of the facil-

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

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1 ity shall make a call to a person of the inmate's choice unless the  
2 inmate declines to have such a call made.  
3 § 2. This act shall take effect on the thirtieth day after it shall  
4 have become a law.