STATE OF NEW YORK

3100

2019-2020 Regular Sessions

IN SENATE

February 4, 2019

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:

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

1. The commissioner shall have the power to transfer inmates from one correctional facility to another. Whenever the transfer of inmates from one correctional facility to another shall be ordered by the commissioner, the superintendent of the facility from which the inmates are transferred shall take immediate steps to make the transfer. The transfer shall be in accordance with rules and regulations promulgated by the department for the safe delivery of such inmates to the designated facility. [~~Within~~] **Immediately prior to the transfer, the department shall electronically notify the inmate's next of kin or personal representative of the transfer and the inmate shall be allowed to make at least one personal phone call, except under exceptional circumstances when to do so would create an unacceptable risk to the safety and security of inmates or staff. When a call is not permitted due to exceptional circumstances, the department shall so indicate in a contemporaneous written document. Additionally, within** twenty-four hours of arriving at the facility to which an inmate is transferred, he or she shall be allowed to make at least one personal phone call, except when to do so would create an unacceptable risk to the safety and security of inmates or staff. If security precautions prevent the inmate from making 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.

LBD06389-01-9

ity shall make a call to a person of the inmate's choice unless the inmate declines to have such a call made.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law.