# STATE OF NEW YORK

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724

2019-2020 Regular Sessions

# IN SENATE

## (Prefiled)

January 9, 2019

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Introduced by Sens. MONTGOMERY, KRUEGER -- read twice and ordered print-
ed, 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 the depart-
ment of corrections and community supervision to place incarcerated
parents at correctional institutions and facilities closest to their
children's home

   **The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:**

 1    Section  1. The correction law is amended by adding a new section 72-c
 2  to read as follows:
 3    **§ 72-c. Placement of individuals with children.   1.  In  determining**
 4  **placement  for a person in custody of the department, whenever practica-**
 5  **ble the commissioner shall place such person in the correctional  insti-**
 6  **tution  or facility which is located in closest proximity to the primary**
 7  **place of residence of such person's minor child or children  as  defined**
 8  **in  subdivision  thirty-one  of  section two of the social services law,**
 9  **provided that such placement  is  suitable  and  appropriate  and  would**
10  **facilitate increased contact between such person and his or her child or**
11  **children and is in the best interest of such child or children.**
12    **2. To make a determination about whether such placement is in the best**
13  **interest  of such child or children, procedures and criteria for assess-**
14  **ing such placement shall be developed by the department in  consultation**
15  **with  the  office  of  probation  and  correctional alternatives and the**
16  **office of children and family services. If such person has more than one**
17  **child, the department shall make a separate determination for each indi-**
18  **vidual child.**
19    § 2. This act shall take effect one year after it shall have become  a
20  law. Effective immediately, the addition, amendment and/or repeal of any
21  rule  or  regulation necessary for the implementation of this act on its
22  effective date are authorized to be made on or before such date.

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

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