STATE OF NEW YORK

2105

2021-2022 Regular Sessions

IN SENATE

January 19, 2021

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 establishing minimum rules for the treatment of incarcerated people

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

Section 1. The correction law is amended by adding a new section 123 to read as follows:

§ 123. Minimum rules for the treatment of incarcerated people. 1. Subject to constitutional and federal law but notwithstanding any other section of law, the United Nations standard minimum rules for the treatment of prisoners, also known as the Nelson Mandela rules, are hereby incorporated by reference into this chapter, including, but not limited to:

(a) a prohibition against prolonged confinement of more than fifteen days in segregated confinement, administrative segregation or any other form of solitary confinement or social isolation;

(b) community standards for medical and dental care, and a duty for medical professionals to report when they notice mistreatment or abuse of an incarcerated person;

(c) the right of incarcerated people to make confidential complaints to superintendents and central office staff without fear of retaliation or intimidation;

(d) the right to be placed whenever feasible in a correctional facility close to a person's home or to the community where he or she expects to be released;

(e) the right to in-person visits contingent upon the visitor's agreement to be searched if necessary for security purposes;

(f) the right to effective legal aid;

(g) adequate and on-going training for staff;

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

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(h) oversight by an independent agency with right of entry into any correctional institution at any time, full access to all records and the ability to interview both staff and incarcerated people at will;

(i) the right to vocational, educational and rehabilitative programs as well as re-entry programs and services;

(j) the right to individualized programs of treatment, including individual mental health therapy and counseling, based on an individual's needs, capacity and disposition;

(k) equitable remuneration for work and program assignments; and

(l) protection from cruel, inhuman and degrading treatment or punishment by correctional staff.

2. The department shall promulgate rules and regulations in accordance with this section.

§ 2. This act shall take effect one year after it shall have become a law.