STATE OF NEW YORK

402--B

Cal. No. 84

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. BIAGGI -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- reported favorably from said committee, ordered to first and second report, ordered to a third reading -- committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Crime Victims, Crime and Correction in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the correction law, in relation to allowing a telephone call prior to an incarcerated individual'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 322 of the laws of 2021, is amended to read as follows:

1. The commissioner shall have the power to transfer incarcerated individuals from one correctional facility to another. Whenever the transfer of incarcerated individuals from one correctional facility to another shall be ordered by the commissioner, the superintendent of the facility from which the incarcerated individuals 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 incarcerated individuals to the designated facility. [~~Within~~] **Immediately prior to the transfer, the department shall electronically notify the incarcerated individual's next of kin or personal representative of the transfer and the incarcerated individual shall be allowed to make at least one personal phone call, free of**

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

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charge, except under exceptional circumstances when to do so would create an unacceptable risk to the safety and security of incarcerated individuals 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 incarcerated individual 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 incarcerated individuals or staff. If security precautions prevent the incarcerated individual from making such call, a staff member designated by the superintendent of the facility shall make a call to a person of the incarcerated individual's choice unless the incarcerated individual declines to have such a call made.

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