

# STATE OF NEW YORK

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2395

2021-2022 Regular Sessions

## IN ASSEMBLY

January 19, 2021

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Introduced by M. of A. AUBRY -- read once and referred to the Committee on Correction

AN ACT to amend the civil service law, the election law, the executive law, the public officers law, the state finance law, the tax law, the workers' compensation law, the labor law, the transportation law, the vehicle and traffic law, the environmental conservation law, the public buildings law, the public health law, the general municipal law, the county law, the education law, the mental hygiene law, the retirement and social security law, the social services law, the general business law, the penal law, the correction law, the criminal procedure law, the surrogate's court procedure act, the New York city criminal court act, the court of claims act, the civil practice law and rules, the civil rights law, chapter 784 of the laws of 1951, constituting the New York state defense emergency act, the administrative code of the city of New York, and the New York city charter, in relation to replacing all instances of the words inmate or inmates with the words incarcerated individual or incarcerated individuals

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

1 Section 1. Subdivision 1 of section 136 of the civil service law, as  
2 amended by section 62 of subpart B of part C of chapter 62 of the laws  
3 of 2011, is amended to read as follows:  
4 1. The term "teacher", for purposes of this section, means any employ-  
5 ee of a state facility or institution in the office of children and  
6 family services in the executive department and in the departments of  
7 corrections and community supervision, health, mental hygiene and social  
8 services holding a position the principal duty of which is the teaching  
9 or instruction of patients or [~~inmates~~ incarcerated individuals, or the  
10 direct supervision of such teaching or instruction, including an insti-  
11 tution education director, as determined by the department of civil  
12 service subject to approval of the director of the budget.

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

LBD00901-01-1

1 § 2. Subdivision 1 of section 3-107 of the election law is amended to  
2 read as follows:

3 1. Visit and inspect any house, dwelling, building, inn, lodginghouse,  
4 boarding-house, rooming-house, or hotel and interrogate any [~~inmate~~]  
5 incarcerated individual, house-dweller, keeper, caretaker, owner,  
6 proprietor or landlord thereof or therein, as to any person or persons  
7 residing or claiming to reside therein or thereat.

8 § 3. Subdivision 13 of section 5-210 of the election law, as amended  
9 by chapter 179 of the laws of 2005, is amended to read as follows:

10 13. An affidavit or a signed statement by any officer or employee of  
11 the state or county board of elections or any police officer, sheriff or  
12 deputy sheriff, that such person visited the premises claimed by the  
13 applicant as his or her residence and interrogated an [~~inmate~~] incarcer-  
14 ated individual, house-dweller, keeper, caretaker, owner, proprietor or  
15 landlord thereof or therein as to such applicant's residence therein or  
16 thereat, and that he or she was informed by one or more such persons,  
17 naming them, that they knew the persons residing upon such premises and  
18 that the applicant did not reside upon such premises as set forth in his  
19 or her application, shall be sufficient authority for a determination by  
20 the board that the applicant is not entitled to registration or enroll-  
21 ment; but this provision shall not preclude the board from making such  
22 other determination, as the result of other inquiry, as it may deem  
23 appropriate.

24 § 4. Paragraph (c) of subdivision 1 and subparagraph (iii) of para-  
25 graph (c) of subdivision 4 of section 15-120 of the election law, as  
26 added by chapter 289 of the laws of 2014, are amended to read as  
27 follows:

28 (c) an [~~inmate~~] incarcerated individual or patient of a veteran's  
29 administration hospital; or

30 (iii) an [~~inmate~~] incarcerated individual or patient of a veteran's  
31 administration hospital; or

32 § 5. Subdivision 5 of section 16-108 of the election law is amended to  
33 read as follows:

34 5. An affidavit by any officer or employee of the board of elections,  
35 or by any police officer, sheriff or deputy sheriff, or by any special  
36 investigator appointed by the state board of elections, that he or she  
37 visited the premises claimed by the applicant as his or her residence  
38 and that he interrogated an [~~inmate~~] incarcerated individual, housedwel-  
39 ler, keeper, caretaker, owner, proprietor or landlord thereof or therein  
40 as to the applicant's residence therein or thereat, and that he or she  
41 was informed by one or more of such persons, naming them, that they knew  
42 the persons residing upon such premises and that the applicant did not  
43 reside upon such premises thirty days before the election, shall be  
44 presumptive evidence against the right of the voter to register from  
45 such premises.

46 § 6. Subdivision 6 of section 24 of the executive law, as added by  
47 chapter 640 of the laws of 1978, is amended to read as follows:

48 6. Whenever a local state of emergency is declared by the chief execu-  
49 tive of a local government pursuant to this section, the chief executive  
50 of the county in which such local state of emergency is declared, or  
51 where a county is wholly contained within a city, the mayor of such  
52 city, may request the governor to remove all or any number of sentenced  
53 [~~inmates~~] incarcerated individuals from institutions maintained by such  
54 county in accordance with section ninety-three of the correction law.

55 § 7. Subdivision 4 of section 221-a of the executive law, as amended  
56 by chapter 368 of the laws of 2013, is amended to read as follows:

1 4. Courts and law enforcement officials, including probation officers,  
2 and employees of local correctional facilities and the department of  
3 corrections and community supervision who are responsible for monitor-  
4 ing, supervising or classification of [~~inmates~~] incarcerated individuals  
5 or parolees shall have the ability to disclose and share information  
6 with respect to such orders and warrants consistent with the purposes of  
7 this section, subject to applicable provisions of the family court act,  
8 domestic relations law and criminal procedure law concerning the confi-  
9 dentiality, sealing and expungement of records.

10 § 8. Subdivisions 1, 3, 4, 5, 8, 12 and 16 of section 259-c of the  
11 executive law, as amended by section 38-b of subpart A of part C of  
12 chapter 62 of the laws of 2011, are amended to read as follows:

13 1. have the power and duty of determining which [~~inmates~~] incarcerated  
14 individuals serving an indeterminate or determinate sentence of impri-  
15 sonment may be released on parole, or on medical parole pursuant to  
16 section two hundred fifty-nine-r or section two hundred fifty-nine-s of  
17 this article, and when and under what conditions;

18 3. determine, as each [~~inmate~~] incarcerated individual is received by  
19 the department, the need for further investigation of the background of  
20 such [~~inmate~~] incarcerated individual. Upon such determination, the  
21 department shall cause such investigation as may be necessary to be made  
22 as soon as practicable, the results of such investigation together with  
23 all other information compiled by the department and the complete crimi-  
24 nal record and family court record of such [~~inmate~~] incarcerated indi-  
25 vidual to be filed so as to be readily available when the parole of such  
26 [~~inmate~~] incarcerated individual is being considered;

27 4. establish written procedures for its use in making parole decisions  
28 as required by law. Such written procedures shall incorporate risk and  
29 needs principles to measure the rehabilitation of persons appearing  
30 before the board, the likelihood of success of such persons upon  
31 release, and assist members of the state board of parole in determining  
32 which [~~inmates~~] incarcerated individuals may be released to parole  
33 supervision;

34 5. through its members, officers and employees, study or cause to be  
35 studied the [~~inmates~~] incarcerated individuals confined in institutions  
36 over which the board has jurisdiction, so as to determine their ultimate  
37 fitness to be paroled;

38 8. have the power and perform the duty, when requested by the gover-  
39 nor, of reporting to the governor the facts, circumstances, criminal  
40 records and social, physical, mental and psychiatric conditions and  
41 histories of [~~inmates~~] incarcerated individuals under consideration by  
42 the governor for pardon or commutation of sentence and of applicants for  
43 restoration of the rights of citizenship;

44 12. to facilitate the supervision of all [~~inmates~~] incarcerated indi-  
45 viduals released on community supervision the chairman of the state  
46 board of parole shall consider the implementation of a program of gradu-  
47 ated sanctions, including but not limited to the utilization of a risk  
48 and needs assessment instrument that would be administered to all  
49 [~~inmates~~] incarcerated individuals eligible for parole supervision. Such  
50 a program would include various components including the use of alterna-  
51 tives to incarceration for technical parole violations;

52 16. determine which [~~inmates~~] incarcerated individuals serving a defi-  
53 nite sentence of imprisonment may be conditionally released from an  
54 institution in which he or she is confined in accordance with subdivi-  
55 sion two of section 70.40 of the penal law.

1 § 8-a. Subdivision 1 of section 259-c of the executive law, as amended  
2 by chapter 55 of the laws of 1992, is amended to read as follows:

3 1. have the power and duty of determining which [~~inmates~~] incarcerated  
4 individuals serving an indeterminate sentence of imprisonment may be  
5 released on parole, or on medical parole pursuant to section two hundred  
6 fifty-nine-r of this article, and when and under what conditions;

7 § 8-b. Subdivision 2 of section 259-c of the executive law, as added  
8 by chapter 904 of the laws of 1977 and amended by chapter 1 of the laws  
9 of 1998, is amended to read as follows:

10 2. have the power and duty of determining the conditions of release of  
11 the person who may be conditionally released or subject to a period of  
12 post-release supervision under an indeterminate or reformatory sentence  
13 of imprisonment and of determining which [~~inmates~~] incarcerated individ-  
14 uals serving a definite sentence of imprisonment may be conditionally  
15 released and when and under what conditions;

16 § 9. Section 259-e of the executive law, as amended by chapter 473 of  
17 the laws of 2016, is amended to read as follows:

18 § 259-e. Institutional parole services. The department shall provide  
19 institutional parole services. Such services shall include preparation  
20 of reports and other data required by the state board of parole in the  
21 exercise of its functions with respect to release on presumptive  
22 release, parole, conditional release or post-release supervision of  
23 [~~inmates~~] incarcerated individuals. Additionally, the department shall  
24 determine which [~~inmates~~] incarcerated individuals are in need of a deaf  
25 language interpreter or an English language interpreter, and shall  
26 inform the board of such need within a reasonable period of time prior  
27 to an [~~inmate's~~] incarcerated individual's scheduled appearance before  
28 the board. Employees of the department who collect data, interview  
29 [~~inmates~~] incarcerated individuals and prepare reports for the state  
30 board of parole in institutions under the jurisdiction of the department  
31 shall work under the direct supervision of the deputy commissioner of  
32 the department in charge of program services. Data and reports submitted  
33 to the board shall address the statutory factors to be considered by the  
34 board pursuant to the relevant provisions of section two hundred fifty-  
35 nine-i of this article.

36 § 10. The section heading and subdivisions 4 and 5 of section 259-h of  
37 the executive law, as added by chapter 904 of the laws of 1977, are  
38 amended to read as follows:

39 Parole eligibility for certain [~~inmates~~] incarcerated individuals  
40 sentenced for crimes committed prior to September first, nineteen  
41 hundred sixty-seven.

42 4. In calculating time required to be served prior to eligibility for  
43 parole under the minimum periods of imprisonment established by this  
44 section the following rules shall apply:

45 (a) Service of such time shall be deemed to have commenced on the day  
46 the [~~inmate~~] incarcerated individual was received in an institution  
47 under the jurisdiction of the department pursuant to the sentence;

48 (b) Where an [~~inmate~~] incarcerated individual is under more than one  
49 sentence, (i) if the sentences run concurrently, the time served under  
50 imprisonment on any of the sentences shall be credited against the mini-  
51 mum periods of all the concurrent sentences, and (ii) if the sentences  
52 run consecutively, the minimum periods of imprisonment shall merge in  
53 and be satisfied by service of the period that has the longest unexpired  
54 time to run;

55 (c) No credit shall be allowed for "good conduct and efficient and  
56 willing performance of duties," under former section two hundred thirty

1 of the correction law, repealed by chapter four hundred seventy-six of  
2 the laws of nineteen hundred seventy and continued in effect as to  
3 certain [~~inmates~~] incarcerated individuals, or under any other provision  
4 of law;

5 (d) Calculations with respect to "jail time" "time served under  
6 vacated sentence" and interruption for "escape" shall be in accordance  
7 with the provisions of subdivisions three, five and six of section 70.30  
8 of the penal law as enacted by chapter ten hundred thirty of the laws of  
9 nineteen hundred sixty-five, as amended.

10 5. The provisions of this section shall not be construed as diminish-  
11 ing the discretionary authority of the board of parole to determine  
12 whether or not an [~~inmate~~] incarcerated individual is to be paroled.

13 § 11. Paragraphs (a), (c), (d) and (e) of subdivision 2, paragraph (d)  
14 of subdivision 3, paragraph (b) of subdivision 4 and paragraph (a) of  
15 subdivision 6 of section 259-i of the executive law, paragraphs (a) and  
16 (d) of subdivision 2 as amended by section 38-f-1 of subpart A of part C  
17 of chapter 62 of the laws of 2011, paragraph (c) of subdivision 2 as  
18 separately amended by chapters 40 and 126 of the laws of 1999, subpara-  
19 graph (A) of paragraph (c) of subdivision 2 as amended by chapter 130 of  
20 the laws of 2016, paragraph (e) of subdivision 2 as amended by chapter  
21 120 of the laws of 2017, paragraph (d) of subdivision 3 as amended by  
22 section 11 of part E of chapter 62 of the laws of 2003, paragraph (b) of  
23 subdivision 4 as added by chapter 904 of the laws of 1977 and paragraph  
24 (a) of subdivision 6 as amended by chapter 363 of the laws of 2012, are  
25 amended to read as follows:

26 (a) (i) Except as provided in subparagraph (ii) of this paragraph, at  
27 least one month prior to the date on which an [~~inmate~~] incarcerated  
28 individual may be paroled pursuant to subdivision one of section 70.40  
29 of the penal law, a member or members as determined by the rules of the  
30 board shall personally interview such [~~inmate~~] incarcerated individual  
31 and determine whether he or she should be paroled in accordance with the  
32 guidelines adopted pursuant to subdivision four of section two hundred  
33 fifty-nine-c of this article. If parole is not granted upon such review,  
34 the [~~inmate~~] incarcerated individual shall be informed in writing within  
35 two weeks of such appearance of the factors and reasons for such denial  
36 of parole. Such reasons shall be given in detail and not in conclusory  
37 terms. The board shall specify a date not more than twenty-four months  
38 from such determination for reconsideration, and the procedures to be  
39 followed upon reconsideration shall be the same. If the [~~inmate~~] incar-  
40 cerated individual is released, he or she shall be given a copy of the  
41 conditions of parole. Such conditions shall where appropriate, include a  
42 requirement that the parolee comply with any restitution order, mandato-  
43 ry surcharge, sex offender registration fee and DNA databank fee previ-  
44 ously imposed by a court of competent jurisdiction that applies to the  
45 parolee. The conditions shall indicate which restitution collection  
46 agency established under subdivision eight of section 420.10 of the  
47 criminal procedure law, shall be responsible for collection of restitu-  
48 tion, mandatory surcharge, sex offender registration fees and DNA data-  
49 bank fees as provided for in section 60.35 of the penal law and section  
50 eighteen hundred nine of the vehicle and traffic law.

51 (ii) Any [~~inmate~~] incarcerated individual who is scheduled for  
52 presumptive release pursuant to section eight hundred six of the  
53 correction law shall not appear before the board as provided in subpara-  
54 graph (i) of this paragraph unless such [~~inmate's~~] incarcerated individ-  
55 ual's scheduled presumptive release is forfeited, canceled, or rescinded  
56 subsequently as provided in such law. In such event, the [~~inmate~~] incar-

1 cerated individual shall appear before the board for release consider-  
2 ation as provided in subparagraph (i) of this paragraph as soon there-  
3 after as is practicable.

4 (c) (A) Discretionary release on parole shall not be granted merely as  
5 a reward for good conduct or efficient performance of duties while  
6 confined but after considering if there is a reasonable probability  
7 that, if such [~~inmate~~] incarcerated individual is released, he or she  
8 will live and remain at liberty without violating the law, and that his  
9 or her release is not incompatible with the welfare of society and will

10 not so deprecate the seriousness of his or her crime as to undermine  
11 respect for law. In making the parole release decision, the procedures  
12 adopted pursuant to subdivision four of section two hundred fifty-nine-c  
13 of this article shall require that the following be considered: (i) the  
14 institutional record including program goals and accomplishments,  
15 academic achievements, vocational education, training or work assign-  
16 ments, therapy and interactions with staff and [~~inmates~~] incarcerated  
17 individuals; (ii) performance, if any, as a participant in a temporary  
18 release program; (iii) release plans including community resources,  
19 employment, education and training and support services available to the  
20 [~~inmate~~] incarcerated individual; (iv) any deportation order issued by  
21 the federal government against the [~~inmate~~] incarcerated individual  
22 while in the custody of the department and any recommendation regarding  
23 deportation made by the commissioner of the department pursuant to  
24 section one hundred forty-seven of the correction law; (v) any current  
25 or prior statement made to the board by the crime victim or the victim's  
26 representative, where the crime victim is deceased or is mentally or  
27 physically incapacitated; (vi) the length of the determinate sentence to  
28 which the [~~inmate~~] incarcerated individual would be subject had he or  
29 she received a sentence pursuant to section 70.70 or section 70.71 of  
30 the penal law for a felony defined in article two hundred twenty or  
31 article two hundred twenty-one of the penal law; (vii) the seriousness  
32 of the offense with due consideration to the type of sentence, length of  
33 sentence and recommendations of the sentencing court, the district  
34 attorney, the attorney for the [~~inmate~~] incarcerated individual, the  
35 pre-sentence probation report as well as consideration of any mitigating  
36 and aggravating factors, and activities following arrest prior to  
37 confinement; and (viii) prior criminal record, including the nature and  
38 pattern of offenses, adjustment to any previous probation or parole  
39 supervision and institutional confinement. The board shall provide toll  
40 free telephone access for crime victims. In the case of an oral state-  
41 ment made in accordance with subdivision one of section 440.50 of the  
42 criminal procedure law, the parole board member shall present a written  
43 report of the statement to the parole board. A crime victim's represen-  
44 tative shall mean the crime victim's closest surviving relative, the  
45 committee or guardian of such person, or the legal representative of any  
46 such person. Such statement submitted by the victim or victim's repre-  
47 sentative may include information concerning threatening or intimidating  
48 conduct toward the victim, the victim's representative, or the victim's  
49 family, made by the person sentenced and occurring after the sentencing.  
50 Such information may include, but need not be limited to, the threaten-  
51 ing or intimidating conduct of any other person who or which is directed  
52 by the person sentenced. Any statement by a victim or the victim's  
53 representative made to the board shall be maintained by the department  
54 in the file provided to the board when interviewing the [~~inmate~~] incar-  
55 cerated individual in consideration of release. A victim or victim's  
56 representative who has submitted a written request to the department for

1 the transcript of such interview shall be provided such transcript as  
2 soon as it becomes available.

3 (B) Where a crime victim or victim's representative as defined in  
4 subparagraph (A) of this paragraph, or other person submits to the  
5 parole board a written statement concerning the release of an [~~inmate~~]  
6 incarcerated individual, the parole board shall keep that individual's  
7 name and address confidential.

8 (d) (i) Notwithstanding the provisions of paragraphs (a), (b) and (c)  
9 of this subdivision, after the [~~inmate~~] incarcerated individual has  
10 served his or her minimum period of imprisonment imposed by the court,  
11 or at any time after the [~~inmate's~~] incarcerated individual's period of  
12 imprisonment has commenced for an [~~inmate~~] incarcerated individual serv-  
13 ing a determinate or indeterminate term of imprisonment, provided that  
14 the [~~inmate~~] incarcerated individual has had a final order of deporta-  
15 tion issued against him or her and provided further that the [~~inmate~~]  
16 incarcerated individual is not convicted of either an A-I felony offense  
17 other than an A-I felony offense as defined in article two hundred twen-  
18 ty of the penal law or a violent felony offense as defined in section  
19 70.02 of the penal law, if the [~~inmate~~] incarcerated individual is  
20 subject to deportation by the United States Bureau of Immigration and  
21 Customs Enforcement, in addition to the criteria set forth in paragraph  
22 (c) of this subdivision, the board may consider, as a factor warranting  
23 earlier release, the fact that such [~~inmate~~] incarcerated individual  
24 will be deported, and may grant parole from an indeterminate sentence or  
25 release for deportation from a determinate sentence to such [~~inmate~~]  
26 incarcerated individual conditioned specifically on his or her prompt  
27 deportation. The board may make such conditional grant of early parole  
28 from an indeterminate sentence or release for deportation from a deter-  
29 minate sentence only where it has received from the United States Bureau  
30 of Immigration and Customs Enforcement assurance (A) that an order of  
31 deportation will be executed or that proceedings will promptly be  
32 commenced for the purpose of deportation upon release of the [~~inmate~~]  
33 incarcerated individual from the custody of the department of correc-  
34 tional services, and (B) that the [~~inmate~~] incarcerated individual, if  
35 granted parole or release for deportation pursuant to this paragraph,  
36 will not be released from the custody of the United States Bureau of  
37 Immigration and Customs Enforcement, unless such release be as a result  
38 of deportation without providing the board a reasonable opportunity to  
39 arrange for execution of its warrant for the retaking of such person.

40 (ii) An [~~inmate~~] incarcerated individual who has been granted parole  
41 from an indeterminate sentence or release for deportation from a deter-  
42 minate sentence pursuant to this paragraph shall be delivered to the  
43 custody of the United States Bureau of Immigration and Customs Enforce-  
44 ment along with the board's warrant for his or her retaking to be  
45 executed in the event of his release from such custody other than by  
46 deportation. In the event that such person is not deported, the board  
47 shall execute the warrant, effect his return to imprisonment in the  
48 custody of the department and within sixty days after such return,  
49 provided that the person is serving an indeterminate sentence and the  
50 minimum period of imprisonment has been served, personally interview him  
51 or her to determine whether he or she should be paroled in accordance  
52 with the provisions of paragraphs (a), (b) and (c) of this subdivision.  
53 The return of a person granted parole from an indeterminate sentence or  
54 release for deportation from a determinate sentence pursuant to this  
55 paragraph for the reason set forth herein shall not be deemed to be a  
56 parole delinquency and the interruptions specified in subdivision three

1 of section 70.40 of the penal law shall not apply, but the time spent in  
2 the custody of the United States Bureau of Immigration and Customs  
3 Enforcement shall be credited against the term of the sentence in  
4 accordance with the rules specified in paragraph (c) of that subdivi-  
5 sion. Notwithstanding any other provision of law, any [~~inmate~~] incarcer-  
6 ated individual granted parole from an indeterminate sentence or release  
7 for deportation from a determinate sentence pursuant to this paragraph  
8 who is subsequently committed to imprisonment in the custody of the  
9 department for a felony offense committed after release pursuant to this  
10 paragraph shall have his parole eligibility date on the indeterminate  
11 sentence for the new felony offense, or his or her conditional release  
12 date on the determinate sentence for the new felony offense, as the case  
13 may be, extended by the amount of time between the date on which such  
14 [~~inmate~~] incarcerated individual was released from imprisonment in the  
15 custody of the department pursuant to this paragraph and the date on  
16 which such [~~inmate~~] incarcerated individual would otherwise have  
17 completed service of the minimum period of imprisonment on the prior  
18 felony offense.

19 (e) Notwithstanding the requirements of paragraph (a) of this subdivi-  
20 sion, the determination to parole an [~~inmate~~] incarcerated individual  
21 who has successfully completed the shock incarceration program pursuant  
22 to section eight hundred sixty-seven of the correction law may be made  
23 without a personal interview of the [~~inmate~~] incarcerated individual and  
24 shall be made in accordance with procedures set forth in the rules of  
25 the board. If parole is not granted, the time period for reconsideration  
26 shall not exceed the court imposed minimum.

27 (d) If a finding of probable cause is made pursuant to this subdivi-  
28 sion either by a determination at a preliminary hearing or by the waiver  
29 thereof, or if the releasee has been convicted of a new crime while  
30 under presumptive release, parole, conditional release or post-release  
31 supervision, the board's rules shall provide for (i) declaring such  
32 person to be delinquent as soon as practicable and shall require reason-  
33 able and appropriate action to make a final determination with respect  
34 to the alleged violation or (ii) ordering such person to be restored to  
35 presumptive release, parole, conditional release or post-release super-  
36 vision under such circumstances as it may deem appropriate or (iii) when  
37 a presumptive releasee, parolee, conditional releasee or person on post-  
38 release supervision has been convicted of a new felony committed while  
39 under such supervision and a new indeterminate or determinate sentence  
40 has been imposed, the board's rules shall provide for a final declara-  
41 tion of delinquency. The [~~inmate~~] incarcerated individual shall then be  
42 notified in writing that his or her release has been revoked on the  
43 basis of the new conviction and a copy of the commitment shall accompany  
44 said notification. The [~~inmate's~~] incarcerated individual's next appear-  
45 ance before the board shall be governed by the legal requirements of  
46 said new indeterminate or determinate sentence, or shall occur as soon  
47 after a final reversal of the conviction as is practicable.

48 (b) Upon an appeal to the board, the [~~inmate~~] incarcerated individual  
49 may be represented by an attorney. Where the [~~inmate~~] incarcerated indi-  
50 vidual is financially unable to provide for his or her own attorney,  
51 upon request an attorney shall be assigned pursuant to the provisions of  
52 subparagraph (v) of paragraph (f) of subdivision three of this section.

53 (a) (i) The board shall provide for the making of a verbatim record of  
54 each parole release interview, except where a decision is made to  
55 release the [~~inmate~~] incarcerated individual to parole supervision, and  
56 each preliminary and final revocation hearing, except when the decision



1 of the presiding officer after such hearings result in a dismissal of  
2 all charged violations of parole, conditional release or post release  
3 supervision.

4 (ii) Notwithstanding the provisions of subparagraph (i) of this para-  
5 graph, the board shall provide for the making of a verbatim record of  
6 each parole release interview in all proceedings where the [~~inmate~~]  
7 incarcerated individual is a detained sex offender as such term is  
8 defined in subdivision (g) of section 10.03 of the mental hygiene law.  
9 Such record shall be provided to the office of mental health for use by  
10 the multidisciplinary staff and the case review panel pursuant to  
11 section 10.05 of the mental hygiene law.

12 § 11-a. Paragraph (a) of subdivision 2 and paragraph (d) of subdivi-  
13 sion 3 of section 259-i of the executive law, paragraph (a) of subdivi-  
14 sion 2 as amended by section 38-f-2 of subpart A of part C of chapter 62  
15 of the laws of 2011 and paragraph (d) of subdivision 3 as amended by  
16 chapter 413 of the laws of 1984, are amended to read as follows:

17 (a) At least one month prior to the expiration of the minimum period  
18 or periods of imprisonment fixed by the court or board, a member or  
19 members as determined by the rules of the board shall personally inter-  
20 view an [~~inmate~~] incarcerated individual serving an indeterminate  
21 sentence and determine whether he or she should be paroled at the expi-  
22 ration of the minimum period or periods in accordance with the proce-  
23 dures adopted pursuant to subdivision four of section two hundred  
24 fifty-nine-c of this article. If parole is not granted upon such review,  
25 the [~~inmate~~] incarcerated individual shall be informed in writing within  
26 two weeks of such appearance of the factors and reasons for such denial  
27 of parole. Such reasons shall be given in detail and not in conclusory  
28 terms. The board shall specify a date not more than twenty-four months  
29 from such determination for reconsideration, and the procedures to be  
30 followed upon reconsideration shall be the same. If the [~~inmate~~] incar-  
31 cerated individual is released, he or she shall be given a copy of the  
32 conditions of parole. Such conditions shall where appropriate, include a  
33 requirement that the parolee comply with any restitution order and  
34 mandatory surcharge previously imposed by a court of competent jurisdic-  
35 tion that applies to the parolee. The conditions shall indicate which  
36 restitution collection agency established under subdivision eight of  
37 section 420.10 of the criminal procedure law, shall be responsible for  
38 collection of restitution and mandatory surcharge as provided for in  
39 section 60.35 of the penal law and section eighteen hundred nine of the  
40 vehicle and traffic law.

41 (d) If a finding of probable cause is made pursuant to this subdivi-  
42 sion either by determination at a preliminary hearing or by the waiver  
43 thereof, or if the releasee has been convicted of a new crime while  
44 under his present parole or conditional release supervision, the board's  
45 rules shall provide for (i) declaring such person to be delinquent as  
46 soon as practicable and shall require reasonable and appropriate action  
47 to make a final determination with respect to the alleged violation or  
48 (ii) ordering such person to be restored to parole supervision under  
49 such circumstances as it may deem appropriate or (iii) when a parolee or  
50 conditional releasee has been convicted of a new felony committed while  
51 under his or her present parole or conditional release supervision and a  
52 new indeterminate sentence has been imposed, the board's rules shall  
53 provide for a final declaration of delinquency. The [~~inmate~~] incarcerat-  
54 ed individual shall then be notified in writing that his or her release  
55 has been revoked on the basis of the new conviction and a copy of the  
56 commitment shall accompany said notification. The [~~inmate's~~] incarcerat-

1 ed individual's next appearance before the board shall be governed by  
2 the legal requirements of said new indeterminate sentence, or shall  
3 occur as soon after a final reversal of the conviction as is practica-  
4 ble.

5 § 12. Subdivision 3 of section 259-k of the executive law, as amended  
6 by section 38-i of subpart A of part C of chapter 62 of the laws of  
7 2011, is amended to read as follows:

8 3. Members of the board and officers and employees of the department  
9 providing community supervision services and designated by the commis-  
10 sioner shall have free access to all [~~inmates~~] incarcerated individuals  
11 confined in institutions under the jurisdiction of the department, the  
12 office of children and family services and the department of mental  
13 hygiene in order to enable them to perform their functions, provided,  
14 however, that the department of mental hygiene may temporarily restrict  
15 such access where it determines, for significant clinical reasons, that  
16 such access would interfere with its care and treatment of the mentally  
17 ill [~~inmate~~] incarcerated individual. If under the provisions of this  
18 subdivision an [~~inmate~~] incarcerated individual is not accessible for  
19 release consideration by the board, that [~~inmate~~] incarcerated individ-  
20 ual shall be scheduled to see the board in the month immediately subse-  
21 quent to the month within which he or she was not available.

22 § 13. Subdivision 1 of section 259-l of the executive law, as amended  
23 by chapter 26 of the laws of 2018, is amended to read as follows:

24 1. It shall be the duty of the commissioner of corrections and commu-  
25 nity supervision to ensure that all officers and employees of the  
26 department shall at all times cooperate with the board of parole and  
27 shall furnish to such members of the board and employees of the board  
28 such information as may be appropriate to enable them to perform their  
29 independent decision making functions. It is also his or her duty to  
30 ensure that the functions of the board of parole are not hampered in any  
31 way, including but not limited to: a restriction of resources including  
32 staff assistance; limited access to vital information; and presentation  
33 of [~~inmate~~] an incarcerated individual's information in a manner that  
34 may inappropriately influence the board in its decision making. Where an  
35 [~~inmate~~] incarcerated individual has appeared before the board prior to  
36 having completed any program assigned by the department, and such  
37 program remains incomplete by no fault of the [~~inmate~~] incarcerated  
38 individual, and where the board has denied such [~~inmate~~] incarcerated  
39 individual release pursuant to paragraph (a) of subdivision two of  
40 section two hundred fifty-nine-i of this article, the department shall  
41 prioritize such [~~inmate's~~] an incarcerated individual's placement into  
42 the assigned program.

43 § 14. The section heading, subdivisions 1 and 2, paragraph (b) of  
44 subdivision 4 and subdivisions 5, 9, 10 and 11 of section 259-r of the  
45 executive law, the section heading, subdivisions 1 and 2, paragraph (b)  
46 of subdivision 4, and subdivisions 5 and 9 as amended by section 38-1 of  
47 subpart A of part C of chapter 62 of the laws of 2011 and subdivisions  
48 10 and 11 as added by section 1 of part A of chapter 55 of the laws of  
49 2015, are amended to read as follows:

50 Release on medical parole for terminally ill [~~inmates~~] incarcerated  
51 individuals. 1. (a) The board shall have the power to release on medical  
52 parole any [~~inmate~~] incarcerated individual serving an indeterminate or  
53 determinate sentence of imprisonment who, pursuant to subdivision two of  
54 this section, has been certified to be suffering from a terminal condi-  
55 tion, disease or syndrome and to be so debilitated or incapacitated as  
56 to create a reasonable probability that he or she is physically or

1 cognitively incapable of presenting any danger to society, provided,  
2 however, that no [~~inmate~~] incarcerated individual serving a sentence  
3 imposed upon a conviction for murder in the first degree or an attempt  
4 or conspiracy to commit murder in the first degree shall be eligible for  
5 such release, and provided further that no [~~inmate~~] incarcerated indi-  
6 vidual serving a sentence imposed upon a conviction for any of the  
7 following offenses shall be eligible for such release unless in the case  
8 of an indeterminate sentence he or she has served at least one-half of  
9 the minimum period of the sentence and in the case of a determinate  
10 sentence he or she has served at least one-half of the term of his or  
11 her determinate sentence: murder in the second degree, manslaughter in  
12 the first degree, any offense defined in article one hundred thirty of  
13 the penal law or an attempt to commit any of these offenses. Solely for  
14 the purpose of determining medical parole eligibility pursuant to this  
15 section, such one-half of the minimum period of the indeterminate  
16 sentence and one-half of the term of the determinate sentence shall not  
17 be credited with any time served under the jurisdiction of the depart-  
18 ment prior to the commencement of such sentence pursuant to the opening  
19 paragraph of subdivision one of section 70.30 of the penal law or subdivi-  
20 sion two-a of section 70.30 of the penal law, except to the extent  
21 authorized by subdivision three of section 70.30 of the penal law.

22 (b) Such release shall be granted only after the board considers  
23 whether, in light of the [~~inmate's~~] incarcerated individual's medical  
24 condition, there is a reasonable probability that the [~~inmate~~] incarcer-  
25 ated individual, if released, will live and remain at liberty without  
26 violating the law, and that such release is not incompatible with the  
27 welfare of society and will not so deprecate the seriousness of the  
28 crime as to undermine respect for the law, and shall be subject to the  
29 limits and conditions specified in subdivision four of this section.  
30 Except as set forth in paragraph (a) of this subdivision, such release  
31 may be granted at any time during the term of an [~~inmate's~~] incarcerated  
32 individual's sentence, notwithstanding any other provision of law.

33 (c) The board shall afford notice to the sentencing court, the  
34 district attorney and the attorney for the [~~inmate~~] incarcerated indi-  
35 vidual that the [~~inmate~~] incarcerated individual is being considered for  
36 release pursuant to this section and the parties receiving notice shall  
37 have fifteen days to comment on the release of the [~~inmate~~] incarcerated  
38 individual. Release on medical parole shall not be granted until the  
39 expiration of the comment period provided for in this paragraph.

40 2. (a) The commissioner, on the commissioner's own initiative or at  
41 the request of an [~~inmate~~] incarcerated individual, or an [~~inmate's~~]  
42 incarcerated individual's spouse, relative or attorney, may, in the  
43 exercise of the commissioner's discretion, direct that an investigation  
44 be undertaken to determine whether a diagnosis should be made of an  
45 [~~inmate~~] incarcerated individual who appears to be suffering from a  
46 terminal condition, disease or syndrome. Any such medical diagnosis  
47 shall be made by a physician licensed to practice medicine in this state  
48 pursuant to section sixty-five hundred twenty-four of the education law.  
49 Such physician shall either be employed by the department, shall render  
50 professional services at the request of the department, or shall be  
51 employed by a hospital or medical facility used by the department for  
52 the medical treatment of [~~inmates~~] incarcerated individuals. The diagno-  
53 sis shall be reported to the commissioner and shall include but shall  
54 not be limited to a description of the terminal condition, disease or  
55 syndrome suffered by the [~~inmate~~] incarcerated individual, a prognosis  
56 concerning the likelihood that the [~~inmate~~] incarcerated individual will

1 not recover from such terminal condition, disease or syndrome, a  
2 description of the [~~inmate's~~] incarcerated individual's physical or  
3 cognitive incapacity which shall include a prediction respecting the  
4 likely duration of the incapacity, and a statement by the physician of  
5 whether the [~~inmate~~] incarcerated individual is so debilitated or inca-  
6 pacitated as to be severely restricted in his or her ability to self-am-  
7 bulate or to perform significant normal activities of daily living. This  
8 report also shall include a recommendation of the type and level of  
9 services and treatment the [~~inmate~~] incarcerated individual would  
10 require if granted medical parole and a recommendation for the types of  
11 settings in which the services and treatment should be given.

12 (b) The commissioner, or the commissioner's designee, shall review the  
13 diagnosis and may certify that the [~~inmate~~] incarcerated individual is  
14 suffering from such terminal condition, disease or syndrome and that the  
15 [~~inmate~~] incarcerated individual is so debilitated or incapacitated as  
16 to create a reasonable probability that he or she is physically or  
17 cognitively incapable of presenting any danger to society. If the  
18 commissioner does not so certify then the [~~inmate~~] incarcerated individ-  
19 ual shall not be referred to the board for consideration for release on  
20 medical parole. If the commissioner does so certify, then the commis-  
21 sioner shall, within seven working days of receipt of such diagnosis,  
22 refer the [~~inmate~~] incarcerated individual to the board for consider-  
23 ation for release on medical parole. However, no such referral of an  
24 [~~inmate~~] incarcerated individual to the board shall be made unless the  
25 [~~inmate~~] incarcerated individual has been examined by a physician and  
26 diagnosed as having a terminal condition, disease or syndrome as previ-  
27 ously described herein at some time subsequent to such [~~inmate's~~] incar-  
28 cerated individual's admission to a facility operated by the department  
29 of correctional services.

30 (c) When the commissioner refers an [~~inmate~~] incarcerated individual  
31 to the board, the commissioner shall provide an appropriate medical  
32 discharge plan established by the department. The department is author-  
33 ized to request assistance from the department of health and from the  
34 county in which the [~~inmate~~] incarcerated individual resided and commit-  
35 ted his or her crime, which shall provide assistance with respect to the  
36 development and implementation of a discharge plan, including potential  
37 placements of a releasee. The department and the department of health  
38 shall jointly develop standards for the medical discharge plan that are  
39 appropriately adapted to the criminal justice setting, based on stand-  
40 ards established by the department of health for hospital medical  
41 discharge planning. The board may postpone its decision pending  
42 completion of an adequate discharge plan, or may deny release based on  
43 inadequacy of the discharge plan.

44 (b) The board shall require as a condition of release on medical  
45 parole that the releasee agree to remain under the care of a physician  
46 while on medical parole and in a hospital established pursuant to arti-  
47 cle twenty-eight of the public health law, a hospice established pursu-  
48 ant to article forty of the public health law or any other placement  
49 that can provide appropriate medical care as specified in the medical  
50 discharge plan required by subdivision two of this section. The medical  
51 discharge plan shall state that the availability of the placement has  
52 been confirmed, and by whom. Notwithstanding any other provision of law,  
53 when an [~~inmate~~] incarcerated individual who qualifies for release under  
54 this section is cognitively incapable of signing the requisite documen-  
55 tation to effectuate the medical discharge plan and, after a diligent  
56 search no person has been identified who could otherwise be appointed as

1 the [~~inmate's~~] incarcerated individual's guardian by a court of compe-  
2 tent jurisdiction, then, solely for the purpose of implementing the  
3 medical discharge plan, the facility health services director at the  
4 facility where the [~~inmate~~] incarcerated individual is currently incar-  
5 cerated shall be lawfully empowered to act as the [~~inmate's~~] incarcerat-  
6 ed individual's guardian for the purpose of effectuating the medical  
7 discharge.

8 5. A denial of release on medical parole or expiration of medical  
9 parole in accordance with the provisions of paragraph (f) of subdivision  
10 four of this section shall not preclude the [~~inmate~~] incarcerated indi-  
11 vidual from reapplying for medical parole or otherwise affect an  
12 [~~inmate's~~] incarcerated individual's eligibility for any other form of  
13 release provided for by law.

14 9. The chairman shall report annually to the governor, the temporary  
15 president of the senate and the speaker of the assembly, the chair-  
16 persons of the assembly and senate codes committees, the chairperson of  
17 the senate crime and corrections committee, and the chairperson of the  
18 assembly corrections committee the number of [~~inmates~~] incarcerated  
19 individuals who have applied for medical parole; the number who have  
20 been granted medical parole; the nature of the illness of the appli-  
21 cants, the counties to which they have been released and the nature of  
22 the placement pursuant to the medical discharge plan; the categories of  
23 reasons for denial for those who have been denied; the number of releas-  
24 ees who have been granted an additional period or periods of medical  
25 parole and the number of such grants; the number of releasees on medical  
26 parole who have been returned to imprisonment in the custody of the  
27 department and the reasons for return.

28 10. Notwithstanding any other provision of law, in the case of an  
29 [~~inmate~~] incarcerated individual whose terminal condition, disease or  
30 syndrome meets the criteria for medical parole as set forth in paragraph  
31 (a) of subdivision one of this section, and who is not serving a  
32 sentence for one or more offenses set forth in paragraph (i) of subdivi-  
33 sion one of section eight hundred six of the correction law which would  
34 render such [~~inmate~~] incarcerated individual ineligible for presumptive  
35 release, the granting of medical parole shall be determined by the  
36 commissioner provided that a release of such [~~inmate~~] incarcerated indi-  
37 vidual shall be in accordance with subdivision eleven of this section.  
38 In such case, the provisions that would have applied to and the proce-  
39 dures that would have been followed by the board of parole pursuant to  
40 this section shall apply to and be followed by the commissioner.

41 11. (a) After the commissioner has made a determination to grant  
42 medical parole pursuant to subdivision ten of this section, the commis-  
43 sioner shall notify the chairperson of the board of parole, or their  
44 designee who shall be a member of the board of parole, and provide him  
45 or her with all relevant records, files, information and documentation,  
46 which includes but is not limited to the criminal history, medical diag-  
47 nosis and treatment pertaining to the terminally ill [~~inmate~~] incarcer-  
48 ated individual no more than five days from the date of the determi-  
49 nation. (b) The chairperson or his or her designee shall either accept  
50 the commissioner's grant of medical parole, in which case the [~~inmate~~]  
51 incarcerated individual may be released by the commissioner, or conduct  
52 further review. This decision or review shall be made within five days  
53 of the receipt of the relevant records, files, information and documen-  
54 tation from the commissioner. The chairperson's further review may  
55 include, but not be limited to, an appearance by the terminally ill  
56 [~~inmate~~] incarcerated individual before the chairperson or his or her

1 designee. (c) After this further review, the chairperson shall either  
2 accept the commissioner's grant of medical parole, in which case the  
3 [inmate] incarcerated individual may be released by the commissioner, or  
4 the chairperson shall schedule an appearance for the terminally ill  
5 [inmate] incarcerated individual before the board of parole.

6 In the event the terminally ill [inmate] incarcerated individual is  
7 scheduled to make an appearance before the board of parole pursuant to  
8 this subdivision, the matter shall be heard by a panel that does not  
9 include the chairperson or any member of the board of parole who was  
10 involved in the review of the commissioner's determination.

11 § 14-a. Paragraph (a) of subdivision 1 of section 259-r of the execu-  
12 tive law, as amended by section 38-1-1 of subpart A of part C of chapter  
13 62 of the laws of 2011, is amended to read as follows:

14 (a) The board shall have the power to release on medical parole any  
15 [inmate] incarcerated individual serving an indeterminate or determinate  
16 sentence of imprisonment who, pursuant to subdivision two of this  
17 section, has been certified to be suffering from a terminal condition,  
18 disease or syndrome and to be so debilitated or incapacitated as to  
19 create a reasonable probability that he or she is physically or cogni-  
20 tively incapable of presenting any danger to society, provided, however,  
21 that no [inmate] incarcerated individual serving a sentence imposed upon  
22 a conviction for murder in the first degree or an attempt or conspiracy  
23 to commit murder in the first degree shall be eligible for such release,  
24 and provided further that no [inmate] incarcerated individual serving a  
25 sentence imposed upon a conviction for any of the following offenses  
26 shall be eligible for such release unless in the case of an indetermi-  
27 nate sentence he or she has served at least one-half of the minimum  
28 period of the sentence and in the case of a determinate sentence he or  
29 she has served at least one-half of the term of his or her determinate  
30 sentence: murder in the second degree, manslaughter in the first  
31 degree, any offense defined in article one hundred thirty of the penal  
32 law or an attempt to commit any of these offenses. Solely for the  
33 purpose of determining medical parole eligibility pursuant to this  
34 section, such one-half of the minimum period of the indeterminate  
35 sentence and one-half of the term of the determinate sentence shall not  
36 be credited with any time served under the jurisdiction of the depart-  
37 ment prior to the commencement of such sentence pursuant to the opening  
38 paragraph of subdivision one of section 70.30 of the penal law or subdi-  
39 vision two-a of section 70.30 of the penal law, except to the extent  
40 authorized by subdivision three of section 70.30 of the penal law.

41 § 15. Section 259-s of the executive law, as amended by section 38-m  
42 of subpart A of part C of chapter 62 of the laws of 2011, is amended to  
43 read as follows:

44 § 259-s. Release on medical parole for [inmates] incarcerated individ-  
45 uals suffering significant debilitating illnesses. 1. (a) The board  
46 shall have the power to release on medical parole any [inmate] incarcer-  
47 ated individual serving an indeterminate or determinate sentence of  
48 imprisonment who, pursuant to subdivision two of this section, has been  
49 certified to be suffering from a significant and permanent non-terminal  
50 condition, disease or syndrome that has rendered the [inmate] incarcer-  
51 ated individual so physically or cognitively debilitated or incapaci-  
52 tated as to create a reasonable probability that he or she does not  
53 present any danger to society, provided, however, that no [inmate]  
54 incarcerated individual serving a sentence imposed upon a conviction for  
55 murder in the first degree or an attempt or conspiracy to commit murder  
56 in the first degree shall be eligible for such release, and provided

1 further that no [~~inmate~~] incarcerated individual serving a sentence  
2 imposed upon a conviction for any of the following offenses shall be  
3 eligible for such release unless in the case of an indeterminate  
4 sentence he or she has served at least one-half of the minimum period of  
5 the sentence and in the case of a determinate sentence he or she has  
6 served at least one-half of the term of his or her determinate sentence:  
7 murder in the second degree, manslaughter in the first degree, any  
8 offense defined in article one hundred thirty of the penal law or an  
9 attempt to commit any of these offenses. Solely for the purpose of  
10 determining medical parole eligibility pursuant to this section, such  
11 one-half of the minimum period of the indeterminate sentence and one-  
12 half of the term of the determinate sentence shall not be credited with  
13 any time served under the jurisdiction of the department prior to the  
14 commencement of such sentence pursuant to the opening paragraph of  
15 subdivision one of section 70.30 of the penal law or subdivision two-a  
16 of section 70.30 of the penal law, except to the extent authorized by  
17 subdivision three of section 70.30 of the penal law.

18 (b) Such release shall be granted only after the board considers  
19 whether, in light of the [~~inmate's~~] incarcerated individual's medical  
20 condition, there is a reasonable probability that the [~~inmate~~] incarcer-  
21 ated individual, if released, will live and remain at liberty without  
22 violating the law, and that such release is not incompatible with the  
23 welfare of society and will not so deprecate the seriousness of the  
24 crime as to undermine respect for the law, and shall be subject to the  
25 limits and conditions specified in subdivision four of this section. In  
26 making this determination, the board shall consider: (i) the nature and  
27 seriousness of the [~~inmate's~~] incarcerated individual's crime; (ii) the  
28 [~~inmate's~~] incarcerated individual's prior criminal record; (iii) the  
29 [~~inmate's~~] incarcerated individual's disciplinary, behavioral and reha-  
30 bilitative record during the term of his or her incarceration; (iv) the  
31 amount of time the [~~inmate~~] incarcerated individual must serve before  
32 becoming eligible for release pursuant to section two hundred fifty-  
33 nine-i of this article; (v) the current age of the [~~inmate~~] incarcerated  
34 individual and his or her age at the time of the crime; (vi) the recom-  
35 mendations of the sentencing court, the district attorney and the victim  
36 or the victim's representative; (vii) the nature of the [~~inmate's~~] incarcerated individual's medical condition, disease or syndrome and the  
37 extent of medical treatment or care that the [~~inmate~~] incarcerated indi-  
38 vidual will require as a result of that condition, disease or syndrome;  
39 and (viii) any other relevant factor. Except as set forth in paragraph  
40 (a) of this subdivision, such release may be granted at any time during  
41 the term of an [~~inmate's~~] incarcerated individual's sentence, notwith-  
42 standing any other provision of law.

44 (c) The board shall afford notice to the sentencing court, the  
45 district attorney, the attorney for the [~~inmate~~] incarcerated individual  
46 and, where necessary pursuant to subdivision two of section two hundred  
47 fifty-nine-i of this article, the crime victim, that the [~~inmate~~] incar-  
48 cerated individual is being considered for release pursuant to this  
49 section and the parties receiving notice shall have thirty days to  
50 comment on the release of the [~~inmate~~] incarcerated individual. Release  
51 on medical parole shall not be granted until the expiration of the  
52 comment period provided for in this paragraph.

53 2. (a) The commissioner, on the commissioner's own initiative or at  
54 the request of an [~~inmate~~] incarcerated individual, or an [~~inmate's~~] incarcerated individual's spouse, relative or attorney, may, in the  
55 exercise of the commissioner's discretion, direct that an investigation  
56

1 be undertaken to determine whether a diagnosis should be made of an  
2 [~~inmate~~] incarcerated individual who appears to be suffering from a  
3 significant and permanent non-terminal and incapacitating condition,  
4 disease or syndrome. Any such medical diagnosis shall be made by a  
5 physician licensed to practice medicine in this state pursuant to  
6 section sixty-five hundred twenty-four of the education law. Such physi-  
7 cian shall either be employed by the department, shall render profes-  
8 sional services at the request of the department, or shall be employed  
9 by a hospital or medical facility used by the department for the medical  
10 treatment of [~~inmates~~] incarcerated individuals. The diagnosis shall be  
11 reported to the commissioner and shall include but shall not be limited  
12 to a description of the condition, disease or syndrome suffered by the  
13 [~~inmate~~] incarcerated individual, a prognosis concerning the likelihood  
14 that the [~~inmate~~] incarcerated individual will not recover from such  
15 condition, disease or syndrome, a description of the [~~inmate's~~] incar-  
16 cerated individual's physical or cognitive incapacity which shall  
17 include a prediction respecting the likely duration of the incapacity,  
18 and a statement by the physician of whether the [~~inmate~~] incarcerated  
19 individual is so debilitated or incapacitated as to be severely  
20 restricted in his or her ability to self-ambulate or to perform signif-  
21 icant normal activities of daily living. This report also shall include  
22 a recommendation of the type and level of services and treatment the  
23 [~~inmate~~] incarcerated individual would require if granted medical parole  
24 and a recommendation for the types of settings in which the services and  
25 treatment should be given.

26 (b) The commissioner, or the commissioner's designee, shall review the  
27 diagnosis and may certify that the [~~inmate~~] incarcerated individual is  
28 suffering from such condition, disease or syndrome and that the [~~inmate~~]  
29 incarcerated individual is so debilitated or incapacitated as to create  
30 a reasonable probability that he or she is physically or cognitively  
31 incapable of presenting any danger to society. If the commissioner does  
32 not so certify then the [~~inmate~~] incarcerated individual shall not be  
33 referred to the board for consideration for release on medical parole.  
34 If the commissioner does so certify, then the commissioner shall, within  
35 seven working days of receipt of such diagnosis, refer the [~~inmate~~]  
36 incarcerated individual to the board for consideration for release on  
37 medical parole. However, no such referral of an [~~inmate~~] incarcerated  
38 individual to the board of parole shall be made unless the [~~inmate~~]  
39 incarcerated individual has been examined by a physician and diagnosed  
40 as having a condition, disease or syndrome as previously described here-  
41 in at some time subsequent to such [~~inmate's~~] incarcerated individual's  
42 admission to a facility operated by the department.

43 (c) When the commissioner refers an [~~inmate~~] incarcerated individual  
44 to the board, the commissioner shall provide an appropriate medical  
45 discharge plan established by the department. The department is author-  
46 ized to request assistance from the department of health and from the  
47 county in which the [~~inmate~~] incarcerated individual resided and commit-  
48 ted his or her crime, which shall provide assistance with respect to the  
49 development and implementation of a discharge plan, including potential  
50 placements of a releasee. The department and the department of health  
51 shall jointly develop standards for the medical discharge plan that are  
52 appropriately adapted to the criminal justice setting, based on stand-  
53 ards established by the department of health for hospital medical  
54 discharge planning. The board may postpone its decision pending  
55 completion of an adequate discharge plan, or may deny release based on  
56 inadequacy of the discharge plan.



1 3. Any certification by the commissioner or the commissioner's desig-  
2 nee pursuant to this section shall be deemed a judicial function and  
3 shall not be reviewable if done in accordance with law.

4 4. (a) Medical parole granted pursuant to this section shall be for a  
5 period of six months.

6 (b) The board shall require as a condition of release on medical  
7 parole that the releasee agree to remain under the care of a physician  
8 while on medical parole and in a hospital established pursuant to arti-  
9 cle twenty-eight of the public health law, a hospice established pursu-  
10 ant to article forty of the public health law or any other placement,  
11 including a residence with family or others, that can provide appropri-  
12 ate medical care as specified in the medical discharge plan required by  
13 subdivision two of this section. The medical discharge plan shall state  
14 that the availability of the placement has been confirmed, and by whom.  
15 Notwithstanding any other provision of law, when an [~~inmate~~] incarcerat-  
16 ed individual who qualifies for release under this section is cognitive-  
17 ly incapable of signing the requisite documentation to effectuate the  
18 medical discharge plan and, after a diligent search no person has been  
19 identified who could otherwise be appointed as the [~~inmate's~~] incarcer-  
20 ated individual's guardian by a court of competent jurisdiction, then,  
21 solely for the purpose of implementing the medical discharge plan, the  
22 facility health services director at the facility where the [~~inmate~~]  
23 incarcerated individual is currently incarcerated shall be lawfully  
24 empowered to act as the [~~inmate's~~] incarcerated individual's guardian  
25 for the purpose of effectuating the medical discharge.

26 (c) Where appropriate, the board shall require as a condition of  
27 release that medical parolees be supervised on intensive caseloads at  
28 reduced supervision ratios.

29 (d) The board shall require as a condition of release on medical  
30 parole that the releasee undergo periodic medical examinations and a  
31 medical examination at least one month prior to the expiration of the  
32 period of medical parole and, for the purposes of making a decision  
33 pursuant to paragraph (e) of this subdivision, that the releasee provide  
34 the board with a report, prepared by the treating physician, of the  
35 results of such examination. Such report shall specifically state wheth-  
36 er or not the parolee continues to suffer from a significant and perma-  
37 nent non-terminal and debilitating condition, disease, or syndrome, and  
38 to be so debilitated or incapacitated as to be severely restricted in  
39 his or her ability to self-ambulate or to perform significant normal  
40 activities of daily living.

41 (e) Prior to the expiration of the period of medical parole the board  
42 shall review the medical examination report required by paragraph (d) of  
43 this subdivision and may again grant medical parole pursuant to this  
44 section; provided, however, that the provisions of paragraph (c) of  
45 subdivision one and subdivision two of this section shall not apply.

46 (f) If the updated medical report presented to the board states that a  
47 parolee released pursuant to this section is no longer so debilitated or  
48 incapacitated as to create a reasonable probability that he or she is  
49 physically or cognitively incapable of presenting any danger to society  
50 or if the releasee fails to submit the updated medical report then the  
51 board may not make a new grant of medical parole pursuant to paragraph  
52 (e) of this subdivision. Where the board has not granted medical parole  
53 pursuant to such paragraph (e) the board shall promptly conduct through  
54 one of its members, or cause to be conducted by a hearing officer desig-  
55 nated by the board, a hearing to determine whether the releasee is  
56 suffering from a significant and permanent non-terminal and incapacitat-

1 ing condition, disease or syndrome and is so debilitated or incapacitated as to create a reasonable probability that he or she is physically or cognitively incapable of presenting any danger to society and does not present a danger to society. If the board makes such a determination then it may make a new grant of medical parole pursuant to the standards of paragraph (b) of subdivision one of this section. At the hearing, the releasee shall have the right to representation by counsel, including the right, if the releasee is financially unable to retain counsel, to have the appropriate court assign counsel in accordance with the county or city plan for representation placed in operation pursuant to article eighteen-B of the county law.

12 (g) The hearing and determination provided for by paragraph (f) of this subdivision shall be concluded within the six month period of medical parole. If the board does not renew the grant of medical parole, it shall order that the releasee be returned immediately to the custody of the department of correctional services.

17 (h) In addition to the procedures set forth in paragraph (f) of this subdivision, medical parole may be revoked at any time upon any of the grounds specified in paragraph (a) of subdivision three of section two hundred fifty-nine-i of this article, and in accordance with the procedures specified in subdivision three of section two hundred fifty-nine-i of this article.

23 (i) A releasee who is on medical parole and who becomes eligible for parole pursuant to the provisions of subdivision two of section two hundred fifty-nine-i of this article shall be eligible for parole consideration pursuant to such subdivision.

27 5. A denial of release on medical parole or expiration of medical parole in accordance with the provisions of paragraph (f) of subdivision four of this section shall not preclude the [~~inmate~~] incarcerated individual from reapplying for medical parole or otherwise affect an [~~inmate's~~] incarcerated individual's eligibility for any other form of release provided for by law.

33 6. To the extent that any provision of this section requires disclosure of medical information for the purpose of processing an application or making a decision, regarding release on medical parole or renewal of medical parole, or for the purpose of appropriately supervising a person released on medical parole, and that such disclosure would otherwise be prohibited by article twenty-seven-F of the public health law, the provisions of this section shall be controlling.

40 7. The commissioner and the chair of the board shall be authorized to promulgate rules and regulations for their respective agencies to implement the provisions of this section.

43 8. Any decision made by the board pursuant to this section may be appealed pursuant to subdivision four of section two hundred fifty-nine-i of this article.

46 9. The chair of the board shall report annually to the governor, the temporary president of the senate and the speaker of the assembly, the chairpersons of the assembly and senate codes committees, the chairperson of the senate crime and corrections committee, and the chairperson of the assembly corrections committee the number of [~~inmates~~] incarcerated individuals who have applied for medical parole under this section; the number who have been granted medical parole; the nature of the illness of the applicants, the counties to which they have been released and the nature of the placement pursuant to the medical discharge plan; the categories of reasons for denial for those who have been denied; the number of releasees who have been granted an additional

1 period or periods of medical parole and the number of such grants; the  
2 number of releasees on medical parole who have been returned to impri-  
3 sonment in the custody of the department and the reasons for return.

4 § 16. Paragraph b of subdivision 2 of section 265 of the executive  
5 law, as amended by section 31 of part A of chapter 56 of the laws of  
6 2010, is amended to read as follows:

7 b. Except as provided in section two hundred sixty-six of this arti-  
8 cle, applications for such assistance must be made and submitted no  
9 later than one hundred eighty days after the effective date of the chap-  
10 ter of the laws of nineteen hundred eighty-eight which amended this  
11 paragraph and added these words or by the first day of April of each  
12 subsequent year and shall be either approved or denied by the office no  
13 later than sixty days following such submission. Any part of the moneys  
14 so made available and not apportioned pursuant to a plan approved and  
15 contract entered into with the office within the time limits required  
16 shall be apportioned by the office in its discretion to such a city or  
17 counties on a need basis, taking into consideration [~~inmate~~] incarcerat-  
18 ed individual population or prior commitment by a county in the develop-  
19 ment of alternatives to detention or incarceration programs.

20 § 17. Subdivision 7 of section 508 of the executive law, as amended by  
21 section 4 of part G of chapter 55 of the laws of 2020, is amended to  
22 read as follows:

23 7. While in the custody of the office of children and family services,  
24 an offender shall be subject to the rules and regulations of the office,  
25 except that his or her parole, temporary release and discharge shall be  
26 governed by the laws applicable to [~~inmates~~] incarcerated individuals of  
27 state correctional facilities and his or her transfer to state hospitals  
28 in the office of mental health shall be governed by section five hundred  
29 nine of this [~~article~~] title; provided, however, that an otherwise  
30 eligible offender may receive the six-month limited credit time allow-  
31 ance for successful participation in one or more programs developed by  
32 the office of children and family services that are comparable to the  
33 programs set forth in section eight hundred three-b of the correction  
34 law, taking into consideration the age of offenders. The commissioner of  
35 the office of children and family services shall, however, establish and  
36 operate temporary release programs at office of children and family  
37 services facilities for eligible juvenile offenders and adolescent  
38 offenders and contract with the department of corrections and community  
39 supervision for the provision of parole supervision services for tempo-  
40 rary releasees. The rules and regulations for these programs shall not  
41 be inconsistent with the laws for temporary release applicable to  
42 [~~inmates~~] incarcerated individuals of state correctional facilities. For  
43 the purposes of temporary release programs for juvenile offenders and  
44 adolescent offenders only, when referred to or defined in article twen-  
45 ty-six of the correction law, "institution" shall mean any facility  
46 designated by the commissioner of the office of children and family  
47 services, "department" shall mean the office of children and family  
48 services, [~~inmate~~] "incarcerated individual" shall mean a juvenile  
49 offender or adolescent offender residing in an office of children and  
50 family services facility, and "commissioner" shall mean the commissioner  
51 of the office of children and family services. Time spent in office of  
52 children and family services facilities and in juvenile detention facil-  
53 ities shall be credited towards the sentence imposed in the same manner  
54 and to the same extent applicable to [~~inmates~~] incarcerated individuals  
55 of state correctional facilities.

1 § 18. Subdivision 24 of section 553 of the executive law, as added by  
2 section 3 of part A of chapter 501 of the laws of 2012, is amended to  
3 read as follows:

4 24. To monitor and make recommendations regarding the quality of care  
5 provided to [~~inmates~~] incarcerated individuals with serious mental  
6 illness, including those who are in a residential mental health treat-  
7 ment unit or segregated confinement in facilities operated by the  
8 department of corrections and community supervision, and oversee compli-  
9 ance with paragraphs (d) and (e) of subdivision six of section one  
10 hundred thirty-seven, and section four hundred one of the correction  
11 law. Such responsibilities shall be carried out in accordance with  
12 section four hundred one-a of the correction law;

13 § 19. Subparagraphs (i) and (ii) of paragraph (c) of subdivision 1,  
14 the opening paragraph of paragraph (b) and paragraph (c) of subdivision  
15 2 and subdivision 3 of section 632-a of the executive law, subparagraphs  
16 (i) and (ii) of paragraph (c) of subdivision 1 as amended by section 100  
17 of subpart B of part C of chapter 62 of the laws of 2011, the opening  
18 paragraph of paragraph (b) of subdivision 2 as amended by section 101 of  
19 subpart B of part C of chapter 62 of the laws of 2011 and paragraph (c)  
20 of subdivision 2 and subdivision 3 as amended by section 24 of part A-1  
21 of chapter 56 of the laws of 2010, are amended to read as follows:

22 (i) is an [~~inmate~~] incarcerated individual serving a sentence with the  
23 department of corrections and community supervision or a prisoner  
24 confined at a local correctional facility or federal correctional insti-  
25 tute, and includes funds that a superintendent, sheriff or municipal  
26 official receives on behalf of an [~~inmate~~] incarcerated individual or  
27 prisoner and deposits in an [~~inmate~~] incarcerated individual account to  
28 the credit of the [~~inmate~~] incarcerated individual pursuant to section  
29 one hundred sixteen of the correction law or deposits in a prisoner  
30 account to the credit of the prisoner pursuant to section five hundred-c  
31 of the correction law; or

32 (ii) is not an [~~inmate~~] incarcerated individual or prisoner but who is  
33 serving a sentence of probation or conditional discharge or is presently  
34 subject to an undischarged indeterminate, determinate or definite term  
35 of imprisonment or period of post-release supervision or term of super-  
36 vised release, but shall include earned income earned during a period in  
37 which such person was not in compliance with the conditions of his or  
38 her probation, parole, conditional release, period of post-release  
39 supervision by the department of corrections and community supervision  
40 or term of supervised release with the United States probation office or  
41 United States parole commission. For purposes of this subparagraph, such  
42 period of non-compliance shall be measured, as applicable, from the  
43 earliest date of delinquency determined by the department of corrections  
44 and community supervision, or from the earliest date on which a declara-  
45 tion of delinquency is filed pursuant to section 410.30 of the criminal  
46 procedure law and thereafter sustained, or from the earliest date of  
47 delinquency determined in accordance with applicable federal law, rules  
48 or regulations, and shall continue until a final determination sustain-  
49 ing the violation has been made by the trial court, the department of  
50 corrections and community supervision, or appropriate federal authority;  
51 or

52 Notwithstanding subparagraph (ii) of paragraph (a) of this subdivi-  
53 sion, whenever the payment or obligation to pay involves funds of a  
54 convicted person that a superintendent, sheriff or municipal official  
55 receives or will receive on behalf of an [~~inmate~~] incarcerated individ-  
56 ual serving a sentence with the department of corrections and community

1 supervision or prisoner confined at a local correctional facility and  
2 deposits or will deposit in an [~~inmate~~] incarcerated individual account  
3 to the credit of the [~~inmate~~] incarcerated individual or in a prisoner  
4 account to the credit of the prisoner, and the value, combined value or  
5 aggregate value of such funds exceeds or will exceed ten thousand  
6 dollars, the superintendent, sheriff or municipal official shall also  
7 give written notice to the office.

8 (c) The office, upon receipt of notice of a contract, an agreement to  
9 pay or payment of profits from a crime or funds of a convicted person  
10 pursuant to paragraph (a) or (b) of this subdivision, or upon receipt of  
11 notice of funds of a convicted person from the superintendent, sheriff  
12 or municipal official of the facility where the [~~inmate~~] incarcerated  
13 individual or prisoner is confined pursuant to section one hundred  
14 sixteen or five hundred-c of the correction law, shall notify all known  
15 crime victims of the existence of such profits or funds at their last  
16 known address.

17 3. Notwithstanding any inconsistent provision of the estates, powers  
18 and trusts law or the civil practice law and rules with respect to the  
19 timely bringing of an action, any crime victim shall have the right to  
20 bring a civil action in a court of competent jurisdiction to recover  
21 money damages from a person convicted of a crime of which the crime  
22 victim is a victim, or the representative of that convicted person,  
23 within three years of the discovery of any profits from a crime or funds  
24 of a convicted person, as those terms are defined in this section.  
25 Notwithstanding any other provision of law to the contrary, a judgment  
26 obtained pursuant to this section shall not be subject to execution or  
27 enforcement against the first one thousand dollars deposited in an  
28 [~~inmate~~] incarcerated individual account to the credit of the [~~inmate~~]  
29 incarcerated individual pursuant to section one hundred sixteen of the  
30 correction law or in a prisoner account to the credit of the prisoner  
31 pursuant to section five hundred-c of the correction law. In addition,  
32 where the civil action involves funds of a convicted person and such  
33 funds were recovered by the convicted person pursuant to a judgment  
34 obtained in a civil action, a judgment obtained pursuant to this section  
35 may not be subject to execution or enforcement against a portion thereof  
36 in accordance with subdivision (k) of section fifty-two hundred five of  
37 the civil practice law and rules. If an action is filed pursuant to this  
38 subdivision after the expiration of all other applicable statutes of  
39 limitation, any other crime victims must file any action for damages as  
40 a result of the crime within three years of the actual discovery of such  
41 profits or funds, or within three years of actual notice received from  
42 or notice published by the office of such discovery, whichever is later.

43 § 20. Paragraphs (a), (b) and (c) of subdivision 1 of section 747 of  
44 the executive law, as added by chapter 669 of the laws of 1977, is  
45 amended to read as follows:

46 (a) To visit and inspect, or cause members of its staff to visit and  
47 inspect, at such times as the board may consider to be necessary or  
48 appropriate to help insure adequate supervision, public and private  
49 facilities or agencies, whether state, county, municipal, incorporated  
50 or not incorporated which are in receipt of public funds and which are  
51 of a charitable, eleemosynary, correctional or reformatory character,  
52 including all reformatories for juveniles and facilities or agencies  
53 exercising custody of dependent, neglected, abused, maltreated, aban-  
54 doned or delinquent children or persons in need of supervision, agencies  
55 engaged in the placing out or boarding out of children as defined in  
56 section three hundred seventy-one of the social services law, or in

1 operating homes for unmarried mothers or special care homes, and facili-  
2 ties providing residential care for convalescent, invalid, aged, or  
3 indigent persons, but excepting state institutions for the education and  
4 support of the blind, the deaf and the dumb, and excepting also such  
5 institutions as are subject to the visitation and inspection of the  
6 state department of mental hygiene or the state commission of  
7 correction. As to institutions, whether incorporated or not incorpo-  
8 rated, having [~~inmates~~] incarcerated individuals, but not in receipt of  
9 public funds, which are of a charitable, eleemosynary, correctional or  
10 reformatory character, and agencies, whether incorporated or not incor-  
11 porated, not in receipt of public funds, which exercise custody of aban-  
12 doned, destitute, dependent, neglected, abused, maltreated or delinquent  
13 children or persons in need of supervision, the board shall make  
14 inspections, or cause inspections to be made by members of its staff,  
15 but solely as to matters directly affecting the health, safety, treat-  
16 ment and training of their [~~inmates~~] incarcerated individuals, or of the  
17 children under their custody. Visiting and inspecting as herein author-  
18 ized shall not be exclusive of other visiting and inspecting now or  
19 hereafter authorized by law.

20 (b) To have full access to the grounds, buildings, records, documents,  
21 books and papers relating to any facility or agency subject to being  
22 visited and inspected by the board, including all case records of  
23 [~~inmates~~] incarcerated individuals and children under their custody and  
24 all financial records.

25 (c) Upon visiting or inspecting any facility or agency under this  
26 article, inquiry may be made to ascertain the quality of supervision  
27 exercised by state and local agencies responsible for supervising such  
28 facilities and agencies, and the quality of program and operating stand-  
29 ards established by such state and local agencies, and to ascertain the  
30 adequacy of such state and local agency supervision to determine the  
31 following:

32 (i) whether the objects of the facility or agency are being accom-  
33 plished;

34 (ii) whether the applicable laws, rules and regulations governing its  
35 operation are fully complied with;

36 (iii) its methods of and equipment for vocational and scholastic  
37 education, and whether the same are best suited to the needs of its  
38 [~~inmates~~] incarcerated individuals or children under their custody;

39 (iv) its methods of administration; and of providing care, medical  
40 attention, treatment and discipline of its residents and beneficiaries,  
41 and whether the same are best adapted to the needs of the residents and  
42 beneficiaries;

43 (v) the qualifications and general conduct of its officers and employ-  
44 ees;

45 (vi) the condition of its grounds, buildings and other property;

46 (vii) the sources of public moneys received by any institution in  
47 receipt of public funds and the management and condition of its finances  
48 generally; and

49 (viii) any other matter connected with or pertaining to its usefulness  
50 and good management or to the interest of its residents or benefici-  
51 aries.

52 § 21. Section 750 of the executive law, as added by chapter 110 of the  
53 laws of 1971 and as renumbered by chapter 669 of the laws of 1977, is  
54 amended to read as follows:

55 § 750. Duties of the attorney general and district attorneys. If, in  
56 the opinion of the board, any matter in regard to the management or

1 affairs of any such institution, society or association, or any [~~inmate~~]  
2 incarcerated individual or person in any way connected therewith,  
3 require legal investigation or action of any kind, notice thereof may be  
4 given by the board, to the attorney general, and he shall thereupon make  
5 inquiry and take such proceedings in the premises as he may deem neces-  
6 sary and proper. The attorney general and every district attorney shall,  
7 when so required, furnish such legal assistance, counsel or advice as  
8 the board may require in the discharge of its duties.

9 § 22. Subdivision 6-a of section 837 of the executive law, as added by  
10 section 4 of part 00 of chapter 56 of the laws of 2010, is amended to  
11 read as follows:

12 6-a. Upon request, provide an [~~inmate~~] incarcerated individual of the  
13 state or local correctional facility, at no charge, with a copy of all  
14 criminal history information maintained on file by the division pertain-  
15 ing to such [~~inmate~~] incarcerated individual.

16 § 23. Paragraph (c) of subdivision 6 of section 95 of the public offi-  
17 cers law, as added by chapter 652 of the laws of 1983, is amended to  
18 read as follows:

19 (c) personal information pertaining to the incarceration of an  
20 [~~inmate~~] incarcerated individual at a state correctional facility which  
21 is evaluative in nature or which, if such access was provided, could  
22 endanger the life or safety of any person, unless such access is other-  
23 wise permitted by law or by court order;

24 § 24. Paragraph (c) of subdivision 2 of section 96 of the public offi-  
25 cers law, as added by chapter 652 of the laws of 1983, is amended to  
26 read as follows:

27 (c) personal information pertaining to the incarceration of an  
28 [~~inmate~~] incarcerated individual at a state correctional facility which  
29 is evaluative in nature or which, if disclosed, could endanger the life  
30 or safety of any person, unless such disclosure is otherwise permitted  
31 by law;

32 § 25. Subdivisions 12, 12-d and 12-g of section 8 of the state finance  
33 law, subdivision 12 as amended by section 156 of subpart B of part C of  
34 chapter 62 of the laws of 2011, subdivision 12-d as amended by chapter  
35 165 of the laws of 2017 and subdivision 12-g as amended by section 157  
36 of subpart B of part C of chapter 62 of the laws of 2011, are amended to  
37 read as follows:

38 12. Notwithstanding any inconsistent provision of the court of claims  
39 act, examine, audit and certify for payment any claim submitted and  
40 approved by the head of any institution in the department of mental  
41 hygiene, the department of corrections and community supervision, the  
42 department of health or the office of children and family services for  
43 personal property damaged or destroyed by any [~~inmate~~] incarcerated  
44 individual thereof, or for personal property of an employee damaged or  
45 destroyed without fault on his or her part, by a fire in said institu-  
46 tion; or any claim submitted and approved by the head of any institution  
47 in the department of mental hygiene or the office of children and family  
48 services for real or personal property damaged or destroyed or for  
49 personal injuries caused by any patient during thirty days from the date  
50 of his or her escape from such institution; or any claim submitted and  
51 approved by the commissioner of the department of corrections and commu-  
52 nity supervision for personal property of an employee damaged or  
53 destroyed without fault on his or her part as a result of actions unique  
54 to the performance of his or her official duties in accordance with  
55 rules and regulations promulgated by the commissioner of the department  
56 of corrections and community supervision with the approval of the comp-

1 troller; or any claim submitted and approved by the chief administrator  
2 of the courts for personal property of any judge or justice of the  
3 unified court system or of any nonjudicial officer or employee thereof  
4 damaged or destroyed, without fault on his or her part, by any party,  
5 witness, juror or bystander to court proceedings, provided no such claim  
6 may be certified for payment to a nonjudicial officer or employee who is  
7 in a collective negotiating unit until the chief administrator shall  
8 deliver to the comptroller a certificate that there is in effect with  
9 respect to such negotiating unit a written collective bargaining agree-  
10 ment with the state pursuant to article fourteen of the civil service  
11 law which provides therefor; or any claim submitted and approved by the  
12 superintendent of state police for personal property of a member of the  
13 state police damaged or destroyed without fault on his or her part as a  
14 result of actions unique to the performance of police duties in accord-  
15 ance with rules and regulations promulgated by the superintendent with  
16 the approval of the comptroller; or any claim submitted and approved by  
17 the head of a state department or agency having employees in the securi-  
18 ty services unit or the security supervisors unit for personal property  
19 of a member of such units damaged or destroyed without fault on his or  
20 her part as a result of actions unique to the performance of law  
21 enforcement duties in accordance with rules and regulations promulgated  
22 by the department or agency head, after consultation with the employee  
23 organization representing such units and with the approval of the comp-  
24 troller and payment of any such claim shall not exceed the sum of three  
25 hundred fifty dollars. Where an agreement between the state and an  
26 employee organization reached pursuant to the provisions of article  
27 fourteen of the civil service law provides for payments to be made to  
28 employees by an institution, such payments for claims not in excess of  
29 seventy-five dollars, or one hundred fifty dollars if otherwise provided  
30 in accordance with the terms of such agreement, may be made from a petty  
31 cash account established pursuant to section one hundred fifteen of this  
32 chapter, and in the manner prescribed therein.

33 12-d. Notwithstanding any inconsistent provision of the court of  
34 claims act, examine, audit and certify for payment any claim submitted  
35 and approved by the head of a state department or agency, other than a  
36 department or agency specified in subdivision twelve of this section,  
37 for personal property of an employee damaged or destroyed in the course  
38 of the performance of official duties without fault on his or her part  
39 by an [~~inmate~~] incarcerated individual, patient or client of such  
40 department or agency after March thirty-first, two thousand sixteen and  
41 prior to April first, two thousand twenty-one, provided no such claim  
42 may be certified for payment to an officer or employee who is in a  
43 collective negotiating unit until the director of employee relations  
44 shall deliver to the comptroller a letter that there is in effect with  
45 respect to such negotiating unit a written collectively negotiated  
46 agreement with the state pursuant to article fourteen of the civil  
47 service law which provides therefor. Payment of any such claim shall  
48 not exceed the sum of three hundred dollars. No person submitting a  
49 claim under this subdivision shall have any claim for damages to such  
50 personal property approved pursuant to the provision of subdivision four  
51 of section five hundred thirty of the labor law or any other applicable  
52 provision of law.

53 12-g. Notwithstanding any other provision of the court of claims act  
54 or any other law to the contrary, thirty days before the comptroller  
55 issues a check for payment to an [~~inmate~~] incarcerated individual serv-  
56 ing a sentence of imprisonment with the department of corrections and



1 community supervision or to a prisoner confined at a local correctional  
2 facility for any reason, including a payment made in satisfaction of any  
3 damage award in connection with any lawsuit brought by or on behalf of  
4 such [~~inmate~~] incarcerated individual or prisoner against the state or  
5 any of its employees in federal court or any other court, the comp-  
6 troller shall give written notice, if required pursuant to subdivision  
7 two of section six hundred thirty-two-a of the executive law, to the  
8 office of victim services that such payment shall be made thirty days  
9 after the date of such notice.

10 § 26. Subparagraph 4 of paragraph a of subdivision 1 of section 54 of  
11 the state finance law, as amended by section 158 of subpart B of part C  
12 of chapter 62 of the laws of 2011, is amended to read as follows:

13 (4) Population excludes the reservation and school Indian population  
14 and [~~inmates~~] incarcerated individuals of institutions under the direc-  
15 tion, supervision or control of the state department of corrections and  
16 community supervision and the state department of mental hygiene and the  
17 [~~inmates~~] incarcerated individuals of state institutions operated and  
18 maintained by the office of children and family services.

19 § 27. Subdivision 3 of section 127 of the state finance law, as  
20 amended by chapter 420 of the laws of 1968, is amended to read as  
21 follows:

22 3. The work of construction, alteration, repair or improvement of  
23 buildings or plant of any such state institution may be done by the  
24 employment of [~~inmate~~] incarcerated individual or outside labor, either  
25 or both, and by purchase of materials in the open market whenever, in  
26 the opinion of the comptroller, the department having jurisdiction and  
27 the commissioner of general services, or an authorized representative of  
28 his department, such course shall be more advantageous to the state. No  
29 compensation shall be allowed for the employment of [~~inmate~~] incarcerat-  
30 ed individual labor except convict labor.

31 § 28. The closing paragraph of section 135 of the state finance law,  
32 as amended by section 3 of part MM of chapter 57 of the laws of 2008, is  
33 amended to read as follows:

34 Nothing in this section shall be construed to prevent the authorities  
35 in charge of any state building, from performing any such branches of  
36 work by or through their regular employees, or in the case of public  
37 institutions, by the [~~inmates~~] incarcerated individuals thereof.

38 § 29. Subdivision (d) of section 484 of the tax law, as amended by  
39 section 168 of subpart B of part C of chapter 62 of the laws of 2011, is  
40 amended to read as follows:

41 (d) The provisions of this article shall not be applicable to any sale  
42 as to which the tax imposed by section four hundred seventy-one of this  
43 chapter is not applicable or to a sale to the department of corrections  
44 and community supervision of this state for sale to or use by [~~inmates~~]  
45 incarcerated individuals in institutions under the jurisdiction of such  
46 department.

47 § 30. Subdivision (c) of section 1846 of the tax law, as amended by  
48 chapter 556 of the laws of 2011, is amended to read as follows:

49 (c) In the alternative, the tax commission may dispose of any ciga-  
50 rettes seized pursuant to this section, except those that violate, or  
51 are suspected of violating, federal trademark laws or import laws, by  
52 transferring them to the department of corrections and community super-  
53 vision for sale to or use by [~~inmates~~] incarcerated individuals in such  
54 institutions.

55 § 31. Subdivision (c) of section 1846-a of the tax law, as amended by  
56 chapter 556 of the laws of 2011, is amended to read as follows:

1 (c) In the alternative, the commissioner may dispose of any tobacco  
2 products seized pursuant to this section, except those that violate, or  
3 are suspected of violating, federal trademark or import laws, by trans-  
4 ferring them to the department of corrections and community supervision  
5 for sale to or use by [~~inmates~~] incarcerated individuals in such insti-  
6 tutions.

7 § 32. Subdivision 6 of section 16 of the workers' compensation law, as  
8 amended by chapter 550 of the laws of 1978, is amended to read as  
9 follows:

10 6. If there be a person entitled to death benefits under the  
11 provisions of this section, who shall be under the age of eighteen  
12 years, and who shall be an [~~inmate~~] incarcerated individual of any  
13 institution and a public charge upon the department of social services  
14 of the city of New York, or any other department or body, the benefits  
15 allowed hereunder shall be payable to the said department of public  
16 welfare of the city of New York or any other department or body to the  
17 extent of the reasonable charges for the care and maintenance, during  
18 the continuance as a public charge in said institution, of said benefi-  
19 ciary and until the said person shall have attained the age of eighteen  
20 years. Any sum or sums remaining after the said payment out of the bene-  
21 fits shall be distributed as provided by the other subdivisions of this  
22 section.

23 § 33. Paragraph d of subdivision 2 of section 133 of the labor law, as  
24 amended by chapter 294 of the laws of 1967, is amended to read as  
25 follows:

26 d. penal or correctional institutions, if such employment relates to  
27 the custody or care of prisoners or [~~inmates~~] incarcerated individuals;

28 § 34. Subdivision 1 of section 168 of the labor law, as amended by  
29 section 18 of part AA of chapter 56 of the laws of 2019, is amended to  
30 read as follows:

31 1. This section shall apply to all persons employed by the state in  
32 the ward, cottage, colony, kitchen and dining room, and guard service  
33 personnel in any hospital, school, prison, reformatory or other institu-  
34 tion within or subject to the jurisdiction, supervision, control or  
35 visitation of the department of corrections and community supervision,  
36 the department of health, the department of mental hygiene, the depart-  
37 ment of social welfare or the division of veterans' services in the  
38 executive department, and engaged in the performance of such duties as  
39 nursing, guarding or attending the [~~inmates~~] incarcerated individuals,  
40 patients, wards or other persons kept or housed in such institutions, or  
41 in protecting and guarding the buildings and/or grounds thereof, or in  
42 preparing or serving food therein.

43 § 35. Subdivision 1 of section 459 of the labor law, as amended by  
44 section 10 of part CC of chapter 57 of the laws of 2009, is amended to  
45 read as follows:

46 1. A license or certificate, or the renewal thereof may be denied  
47 where the commissioner has probable reason to believe, based on know-  
48 ledge or reliable information, or finds, after investigation, that the  
49 applicant or any officer, servant, agent or employee of the applicant is  
50 not sufficiently reliable and experienced to be authorized to own,  
51 possess, store, transport, use, manufacture, deal in, sell, purchase or  
52 otherwise handle, as the case may be, explosives, lacks suitable facili-  
53 ties therefor, has been convicted of a felony, is disloyal or hostile to  
54 the United States, has been confined as a patient or [~~inmate~~] incarcer-  
55 ated individual in a public or private institution for the treatment of  
56 mental diseases or has been convicted under section four hundred eight-

1 y-four of the general business law. Whenever the commissioner denies an  
2 application for a license or certificate or the renewal thereof, within  
3 five days of such denial, notice thereof and the reasons therefor shall  
4 be provided in writing to the applicant. Such denial may be appealed to  
5 the commissioner who shall follow the procedure provided by subdivision  
6 four of this section.

7 § 36. Paragraph (e) of subdivision 2 of section 563 of the labor law,  
8 as amended by chapter 413 of the laws of 1991, is amended to read as  
9 follows:

10 (e) an [~~inmate~~] incarcerated individual of a custodial or penal insti-  
11 tution;

12 § 37. Paragraph (g) of subdivision 2 of section 565 of the labor law,  
13 as added by chapter 675 of the laws of 1977, is amended to read as  
14 follows:

15 (g) an [~~inmate~~] incarcerated individual of a custodial or penal insti-  
16 tution.

17 § 38. Subparagraph 4 of paragraph (e) of subdivision 1 of section 581  
18 of the labor law, as amended by chapter 589 of the laws of 1998, is  
19 amended to read as follows:

20 (4) An employer's account shall not be charged, and the charges shall  
21 instead be made to the general account, for benefits paid to a claimant  
22 based on base period employment while the claimant was an [~~inmate~~]  
23 incarcerated individual of a correctional institution and enrolled in a  
24 work release program, provided that the employment was terminated solely  
25 because the [~~inmate~~] incarcerated individual was required to relocate to  
26 another area as a condition of parole or the [~~inmate~~] incarcerated indi-  
27 vidual voluntarily relocated to another area immediately upon being  
28 released or paroled from such correctional institution.

29 § 39. Subdivision 2 of section 103 of the transportation law, as  
30 amended by chapter 72 of the laws of 1976, is amended to read as  
31 follows:

32 2. No common carrier subject to the provisions of this chapter shall,  
33 directly or indirectly, issue or give any free ticket, free pass or free  
34 transportation for passengers or property between points within this  
35 state, except to its officers, employees, agents, surgeons, physicians,  
36 attorneys-at-law, and their families; to ministers of religion, officers  
37 and employees of railroad young men's christian associations, [~~inmates~~]  
38 incarcerated individuals of hospitals, charitable and eleemosynary  
39 institutions and persons exclusively engaged in charitable and eleemosy-  
40 nary work; and to indigent, destitute and homeless persons and to such  
41 persons when transported by charitable societies or hospitals, and the  
42 necessary agents employed in such transportation; to [~~inmates~~] incarcer-  
43 ated individuals of the national homes or state homes for disabled  
44 volunteer soldiers and of soldiers' and sailors' homes, including those  
45 about to enter and those returning home after discharge, and boards of  
46 managers of such homes; to necessary caretakers of property in transit;  
47 to employees of sleeping-car companies, express companies, telegraph and  
48 telephone companies doing business along the line of the issuing carri-  
49 er; to railway mail service employees, post-office inspectors, mail  
50 carriers in uniform, customs inspectors and immigration inspectors; to  
51 newspaper carriers on trains, baggage agents, witnesses attending any  
52 legal investigation or proceeding in which the common carrier is inter-  
53 ested, persons injured in accidents or wrecks and physicians and nurses  
54 attending such persons; to the carriage free or at reduced rates of  
55 persons or property for the United States, state or municipal govern-

1 ments, or of property to or from fairs and expositions for exhibit ther-  
2 eat.

3 § 40. Paragraph (i) of subdivision 3 of section 503 of the vehicle and  
4 traffic law, as amended by chapter 548 of the laws of 1986, is amended  
5 to read as follows:

6 (i) is an [~~inmate~~] incarcerated individual in an institution under the  
7 jurisdiction of a state department or agency, or

8 § 41. Subdivision 5 of section 1809 of the vehicle and traffic law, as  
9 amended by chapter 385 of the laws of 1999, is amended to read as  
10 follows:

11 5. When a person who is convicted of a crime or traffic infraction and  
12 sentenced to a term of imprisonment has failed to pay the mandatory  
13 surcharge or crime victim assistance fee required by this section, the  
14 clerk of the court or the administrative tribunal that rendered the  
15 conviction shall notify the superintendent or the municipal official of  
16 the facility where the person is confined. The superintendent or the  
17 municipal official shall cause any amount owing to be collected from  
18 such person during his or her term of imprisonment from moneys to the  
19 credit of an [~~inmates'~~] incarcerated individuals' fund or such moneys as  
20 may be earned by a person in a work release program pursuant to section  
21 eight hundred sixty of the correction law. Such moneys shall be paid  
22 over to the state comptroller to the credit of the criminal justice  
23 improvement account established by section ninety-seven-bb of the state  
24 finance law, except that any such moneys collected which are surcharges  
25 or crime victim assistance fees levied in relation to convictions  
26 obtained in a town or village justice court shall be paid within thirty  
27 days after the receipt thereof by the superintendent or municipal offi-  
28 cial of the facility to the justice of the court in which the conviction  
29 was obtained. For the purposes of collecting such mandatory surcharge or  
30 crime victim assistance fee, the state shall be legally entitled to the  
31 money to the credit of an [~~inmates'~~] incarcerated individuals' fund or  
32 money which is earned by an [~~inmate~~] incarcerated individual in a work  
33 release program. For purposes of this subdivision, the term "[~~inmates'~~]  
34 incarcerated individuals' fund" shall mean moneys in the possession of  
35 an [~~inmate~~] incarcerated individual at the time of his admission into  
36 such facility, funds earned by him or her as provided for in section one  
37 hundred eighty-seven of the correction law and any other funds received  
38 by him or her or on his or her behalf and deposited with such super-  
39 intendent or municipal official.

40 § 42. Subdivision 3 of section 11-0707 of the environmental conserva-  
41 tion law, as amended by section 20 of part AA of chapter 56 of the laws  
42 of 2019, is amended to read as follows:

43 3. Any person who is a patient at any facility in this state main-  
44 tained by the United States Veterans Health Administration or at any  
45 hospital or sanitorium for treatment of tuberculosis maintained by the  
46 state or any municipal corporation thereof or resident patient at any  
47 institution of the department of Mental Hygiene, or resident patient at  
48 the rehabilitation hospital of the department of Health, or at any rest  
49 camp maintained by the state through the Division of Veterans' Services  
50 in the Executive Department or any [~~inmate~~] incarcerated individual of a  
51 conservation work camp within the youth rehabilitation facility of the  
52 department of corrections and community supervision, or any [~~inmate~~]  
53 incarcerated individual of a youth opportunity or youth rehabilitation  
54 center within the Office of Children and Family Services, any resident  
55 of a nursing home or residential health care facility as defined in  
56 subdivisions two and three of section twenty-eight hundred one of the

1 public health law, or any staff member or volunteer accompanying or  
2 assisting one or more residents of such nursing home or residential  
3 health care facility on an outing authorized by the administrator of  
4 such nursing home or residential health care facility may take fish as  
5 if he or she held a fishing license, except that he or she may not take  
6 bait fish by net or trap, if he or she has on his or her person an  
7 authorization upon a form furnished by the department containing such  
8 identifying information and data as may be required by it, and signed by  
9 the superintendent or other head of such facility, institution, hospital,  
10 sanitarium, nursing home, residential health care facility or rest  
11 camp, as the case may be, or by a staff physician thereat duly authorized  
12 so to do by the superintendent or other head thereof. Such authorization  
13 with respect to [~~inmates~~] incarcerated individuals of said  
14 conservation work camps shall be limited to areas under the care, custody  
15 and control of the department.

16 § 43. Subdivision 1 of section 10 of the public buildings law, as  
17 amended by section 127-r of subpart B of part C of chapter 62 of the  
18 laws of 2011, is amended to read as follows:

19 1. Except as provided in subdivision two of this section, whenever the  
20 head of any agency, board, division or commission, with the approval of  
21 the director of the budget, (a) shall certify to the commissioner of  
22 general services that any property on state land or on land under lease  
23 to the state and consisting of buildings with or without fixtures  
24 attached thereto, and any other improvements upon such lands, are unfit,  
25 not adapted or not needed for use by such agency, board, division or  
26 commission and (b) shall recommend for reasons to be stated, that the  
27 said property should be disposed of, the commissioner of general  
28 services shall, after causing an investigation to be made, dispose of  
29 said property by sale or demolition as will best promote the public  
30 interest. Public notice of a proposed sale where the value of the property  
31 to be sold exceeds five thousand dollars shall be given by advertising  
32 at least once in a newspaper published and having a general circulation  
33 in the county in which such lands are located and in such  
34 other newspaper or newspapers as the commissioner of general services  
35 may deem to be necessary. Such advertisement shall give a general  
36 description and location of the property and the terms of the sale and  
37 the date on which proposals for the same will be received by the commissioner  
38 of general services. Should any or all of the offers so received  
39 be deemed by the commissioner of general services to be too low, he or  
40 she may dispose of such property so advertised at private sale within  
41 ninety days of the opening of the bids, provided that no such private  
42 sale shall be consummated at a price lower than that submitted as a  
43 result of public advertising. The commissioner of general services shall  
44 also have the power to demolish such property either by contract or, if  
45 such property is located on lands which are under the jurisdiction of  
46 the department of corrections and community supervision, the work of  
47 such demolition may be done by the [~~inmates~~] incarcerated individuals  
48 of the institution where such property is located, provided however that  
49 the commissioner of corrections and community supervision shall consent  
50 to the employment of the [~~inmates~~] incarcerated individuals for the work  
51 of demolition. The provisions of this subdivision shall be effective  
52 notwithstanding the provisions of any other general or special law  
53 relating to the disposal of buildings with the fixtures attached thereto  
54 or of any improvements upon lands belonging to or under lease to the  
55 state, and any such statute or parts thereof relating to such disposal  
56 of buildings, fixtures and improvements insofar as they are inconsistent

1 with the provisions of this section are hereby superseded. A record of  
2 any such sale shall be filed with the state agency head above referred  
3 to and the proceeds of such sale or disposal shall be paid into the  
4 treasury of the state to the credit of the capital projects fund.

5 § 44. Section 19 of the public buildings law, as amended by chapter  
6 420 of the laws of 1968, is amended to read as follows:

7 § 19. Manner of doing work or acquiring material. The work of  
8 construction, reconstruction, alteration, repair or improvement of any  
9 state building, whether constructed or to be constructed, may be done by  
10 the employment of [~~inmate~~] incarcerated individuals or outside labor or  
11 both and by the purchase of materials in the open market whenever in the  
12 opinion of the department having jurisdiction over such building, and  
13 the commissioner of general services or his or her authorized represen-  
14 tative, such a course shall be deemed advantageous to the state, and  
15 only upon plans and specifications prepared by the commissioner of  
16 general services, but no compensation shall be allowed for the employ-  
17 ment of [~~inmate~~] incarcerated individual labor except convict labor.

18 § 45. Subdivision 1 of section 140 of the public buildings law, as  
19 amended by chapter 510 of the laws of 2004, is amended to read as  
20 follows:

21 1. It shall be the duty of each superintendent or chief executive  
22 officer of each of the public institutions and buildings of the state,  
23 supported wholly or partly by the funds of the state, to provide that  
24 the following regulations for the protection of the [~~inmates~~] incarcer-  
25 ated individuals of said buildings and the buildings be complied with:  
26 There shall be provided a sufficient number of stand-pipes, with  
27 connections or outlets on each floor, and sufficient fire hose to prop-  
28 erly protect the entire floor surface. Sufficient portable fire extin-  
29 guishers shall be provided on each floor of each building to provide  
30 adequate fire protection. All fire hose shall be inspected under the  
31 direction of the engineer at least once every six months and shall be  
32 maintained at all times in proper condition. On each floor of every  
33 public building having two or more stories where the rooms are connected  
34 by an interior hallway, there shall be posted by each stairway, elevator  
35 or other means of egress, a printed scale floor plan of that particular  
36 story, which shall show all means of egress, clearly labeling those to  
37 be used in case of fire. Such posted floor plan shall clearly indicate  
38 exits which would be accessible for a person having a disability, as  
39 such term is defined in subdivision twenty-one of section two hundred  
40 ninety-two of the executive law. Such floor plan shall be posted in at  
41 least two other conspicuous areas through the building. Said floor plan  
42 shall be no smaller than eight inches by ten inches and shall be posted  
43 in such a manner that it cannot be readily removed. Unless exit doors at  
44 floor level are provided at fire escapes suitable steps must be provided  
45 under other openings used as exits to fire escapes which are not at  
46 floor level. Painters' supplies and inflammable liquids of all kinds  
47 must not be stored in buildings occupied by wards of the state or  
48 employees. All attics and basements must be constantly kept free from  
49 rubbish or articles not necessary to the proper conduct of the institu-  
50 tion or building, and must be regularly swept, cleaned and all broken or  
51 needless articles promptly removed.

52 § 46. Subdivision 26 of section 206 of the public health law, as  
53 amended by section 127-t of subpart B of part C of chapter 62 of the  
54 laws of 2011, is amended to read as follows:

55 26. The commissioner is hereby authorized and directed to review any  
56 policy or practice instituted in facilities operated by the department

1 of corrections and community supervision, and in all local correctional  
2 facilities, as defined in subdivision sixteen of section two of the  
3 correction law, regarding human immunodeficiency virus (HIV), acquired  
4 immunodeficiency syndrome (AIDS), and hepatitis C (HCV) including the  
5 prevention of the transmission of HIV and HCV and the treatment of AIDS,  
6 HIV and HCV among [~~inmates~~] incarcerated individuals. Such review shall  
7 be performed annually and shall focus on whether such HIV, AIDS or HCV  
8 policy or practice is consistent with current, generally accepted  
9 medical standards and procedures used to prevent the transmission of HIV  
10 and HCV and to treat AIDS, HIV and HCV among the general public. In  
11 performing such reviews, in order to determine the quality and adequacy  
12 of care and treatment provided, department personnel are authorized to  
13 enter correctional facilities and inspect policy and procedure manuals  
14 and medical protocols, interview health services providers and [~~inmate~~]  
15 incarcerated individual-patients, review medical grievances, and inspect  
16 a representative sample of medical records of [~~inmates~~] incarcerated  
17 individuals known to be infected with HIV or HCV or have AIDS. Prior to  
18 initiating a review of a correctional system, the commissioner shall  
19 inform the public, including patients, their families and patient advo-  
20 cates, of the scheduled review and invite them to provide the commis-  
21 sioner with relevant information. Upon the completion of such review,  
22 the department shall, in writing, approve such policy or practice as  
23 instituted in facilities operated by the department of corrections and  
24 community supervision, and in any local correctional facility, or, based  
25 on specific, written recommendations, direct the department of  
26 corrections and community supervision, or the authority responsible for  
27 the provision of medical care to [~~inmates~~] incarcerated individuals in  
28 local correctional facilities to prepare and implement a corrective plan  
29 to address deficiencies in areas where such policy or practice fails to  
30 conform to current, generally accepted medical standards and procedures.  
31 The commissioner shall monitor the implementation of such corrective  
32 plans and shall conduct such further reviews as the commissioner deems  
33 necessary to ensure that identified deficiencies in HIV, AIDS and HCV  
34 policies and practices are corrected. All written reports pertaining to  
35 reviews provided for in this subdivision shall be maintained, under such  
36 conditions as the commissioner shall prescribe, as public information  
37 available for public inspection.

38 § 47. Subdivision 2 of section 579 of the public health law, as  
39 amended by section 128 of subpart B of part C of chapter 62 of the laws  
40 of 2011, is amended to read as follows:

41 2. This title shall not be applicable to and the department shall not  
42 have the power to regulate pursuant to this title: (a) any examination  
43 performed by a state or local government of materials derived from the  
44 human body for use in criminal identification or as evidence in a crimi-  
45 nal proceeding or for investigative purposes; (b) any test conducted  
46 pursuant to paragraph (c) of subdivision four of section eleven hundred  
47 ninety-four of the vehicle and traffic law and paragraph (c) of subdivi-  
48 sion eight of section 25.24 of the parks, recreation and historic pres-  
49 ervation law; (c) any examination performed by a state or local agency  
50 of materials derived from the body of an [~~inmate~~] incarcerated individ-  
51 ual, pretrial releasee, parolee, conditional releasee or probationer to  
52 (i) determine, measure or otherwise describe the presence or absence of  
53 any substance whose possession, ingestion or use is prohibited by law,  
54 the rules of the department of corrections and community supervision,  
55 the conditions of release established by the board of parole, the condi-  
56 tions of release established by a court or a local conditional release

1 commission or the conditions of any program to which such individuals  
2 are referred and (ii) to determine whether there has been a violation  
3 thereof; or (d) any examination performed by a coroner or medical exam-  
4 iner for the medical-legal investigation of a death. Nothing herein  
5 shall prevent the department from consulting with the division of crimi-  
6 nal justice services, the department of corrections and community super-  
7 vision, the state police, or any other state agency or commission, at  
8 the request of the division of criminal justice services, the department  
9 of corrections and community supervision, the state police, or such  
10 other agency or commission, concerning examination of materials for  
11 purposes other than public health.

12 § 48. Intentionally omitted.

13 § 49. Subdivision 3 of section 2122 of the public health law is  
14 amended to read as follows:

15 3. The authorities of the institution to which such person is commit-  
16 ted by the magistrate pursuant to the provisions of this section shall  
17 keep such person separate and apart from the other [~~inmates~~] incarcerat-  
18 ed individuals.

19 § 50. Paragraph (a) of subdivision 10 of section 2140 of the public  
20 health law, as added by chapter 180 of the laws of 2002, is amended to  
21 read as follows:

22 (a) as an [~~inmate~~] incarcerated individual of any state or federal  
23 prison, or

24 § 51. Subdivision 3 of section 2200 of the public health law is  
25 amended to read as follows:

26 3. Qualification on residence. The continuous residence required to  
27 acquire either state residence or local residence shall not include any  
28 period during which the person was (a) a patient in a hospital, or (b)  
29 an [~~inmate~~] incarcerated individual of any public institution, incorpo-  
30 rated private institution, or private tuberculosis home, cottage or  
31 hospital, or (c) residing on any military reservation. If, however, the  
32 periods of residence immediately prior and subsequent to the periods  
33 specified in (a), (b), or (c) shall together equal the required period  
34 of residence, such person shall be deemed to have the required contin-  
35 uous residence.

36 § 52. Intentionally omitted.

37 § 53. Paragraph (a-1) of subdivision 1 and paragraph (o) of subdivi-  
38 sion 11 of section 2807-c of the public health law, paragraph (a-1) of  
39 subdivision 1 as amended by chapter 639 of the laws of 1996 and para-  
40 graph (o) of subdivision 11 as amended by chapter 731 of the laws of  
41 1993, are amended to read as follows:

42 (a-1) Payments made by local governmental agencies to general hospi-  
43 tals for reimbursement of inpatient hospital services provided to  
44 [~~inmates~~] incarcerated individuals of local correctional facilities as  
45 defined in subdivision sixteen of section two of the correction law  
46 shall be at the rates of payment determined pursuant to this section for  
47 state governmental agencies, excluding adjustments pursuant to subdivi-  
48 sion fourteen-f of this section.

49 (o) No general hospital shall refuse to provide hospital services to a  
50 person presented or proposed to be presented for admission to such  
51 general hospital by a representative of a correctional facility or a  
52 local correctional facility as defined respectively in subdivisions  
53 four, fifteen and sixteen of section two of the correction law based  
54 solely on the grounds such person is an [~~inmate~~] incarcerated individual  
55 of such correctional facility or local correctional facility. No general  
56 hospital may demand or request any charge for hospital services provided



1 to such person in addition to the charges or rates authorized in accord-  
2 ance with this article, except for charges for identifiable additional  
3 hospital costs associated with or reasonable additional charges associ-  
4 ated with security arrangements for such person.

5 § 53-a. Paragraph (a-1) of subdivision 1 of section 2807-c of the  
6 public health law, as amended by chapter 731 of the laws of 1993, is  
7 amended to read as follows:

8 (a-1) Payments made by local governmental agencies to general hospi-  
9 tals for reimbursement of inpatient hospital services provided to  
10 [~~inmates~~] incarcerated individuals of local correctional facilities as  
11 defined in subdivision sixteen of section two of the correction law  
12 shall be at the rates of payment determined pursuant to this section for  
13 state governmental agencies.

14 § 54. Subdivisions 1, 2 and 4 of section 4165 of the public health  
15 law, as amended by chapter 384 of the laws of 1971, are amended to read  
16 as follows:

17 1. Directors, superintendents, managers or other persons in charge of  
18 hospitals, homes for indigents, lying-in or other institutions, public  
19 or private, to which persons resort for treatment of diseases or  
20 confinement, or to which persons are committed by process of law, shall  
21 make, at the time of their admittance, a record of all the personal and  
22 statistical particulars relative to the patients and [~~inmates~~] incarcer-  
23 ated individuals in their institutions, which are required in the forms  
24 of the certificate provided for by this article as directed by the  
25 commissioner.

26 2. The personal particulars and information required by this section  
27 shall be obtained from the patient or [~~inmate~~] incarcerated individual,  
28 if it is practicable to do so; and when they cannot be so obtained, they  
29 shall be obtained in as complete a manner as possible from relatives,  
30 friends, or other persons acquainted with the facts.

31 4. The records of patients or [~~inmates~~] incarcerated individuals  
32 obtained in accordance with this section shall not be sold to any person  
33 for promotional or profit-making purposes without the written consent of  
34 such patient or [~~inmate~~] incarcerated individual or the written consent  
35 of the legal representative of such patient or [~~inmate~~] incarcerated  
36 individual.

37 § 55. Subdivision 4 of section 4174 of the public health law, as  
38 amended by chapter 323 of the laws of 2016, is amended to read as  
39 follows:

40 4. No fee shall be charged for a search, certification, certificate,  
41 certified copy or certified transcript of a record to be used for school  
42 entrance, employment certificate or for purposes of public relief or  
43 when required by the veterans administration to be used in determining  
44 the eligibility of any person to participate in the benefits made avail-  
45 able by the veterans administration or when required by a board of  
46 elections for the purposes of determining voter eligibility or when  
47 requested by the department of corrections and community supervision or  
48 a local correctional facility as defined in subdivision sixteen of  
49 section two of the correction law for the purpose of providing a certi-  
50 fied copy or certified transcript of birth to an [~~inmate~~] incarcerated  
51 individual in anticipation of such [~~inmate's~~] incarcerated individual's  
52 release from custody or to obtain a death certificate to be used for  
53 administrative purposes for an [~~inmate~~] incarcerated individual who has  
54 died under custody or when requested by the office of children and fami-  
55 ly services or an authorized agency for the purpose of providing a  
56 certified copy or certified transcript of birth to a youth placed in the

1 care and custody or custody and guardianship of the local commissioner  
2 of social services or the care and custody or custody and guardianship  
3 of the office of children and family services in anticipation of such  
4 youth's discharge from placement or foster care.

5 § 56. Section 4179 of the public health law, as amended by chapter 323  
6 of the laws of 2016, is amended to read as follows:

7 § 4179. Vital records; fees; city of New York. Notwithstanding the  
8 provisions of paragraph one of subdivision a of section 207.13 of the  
9 health code of the city of New York, the department of health shall  
10 charge, and the applicant shall pay, for a search of two consecutive  
11 calendar years under one name and the issuance of a certificate of  
12 birth, death or termination of pregnancy, or a certification of birth or  
13 death, or a certification that the record cannot be found, a fee of  
14 fifteen dollars for each copy. Provided, however, that no such fee shall  
15 be charged when the department of corrections and community supervision  
16 or a local correctional facility as defined in subdivision sixteen of  
17 section two of the correction law requests a certificate of birth or  
18 certification of birth for the purpose of providing such certificate of  
19 birth or certification of birth to an [~~inmate~~] incarcerated individual  
20 in anticipation of such [~~inmate's~~] incarcerated individual's release  
21 from custody or to obtain a death certificate to be used for administra-  
22 tive purposes for an [~~inmate~~] incarcerated individual who has died under  
23 custody or when the office of children and family services or an author-  
24 ized agency requests a certified copy or certified transcript of birth  
25 for a youth placed in the custody of the local commissioner of social  
26 services or the custody of the office of children and family services  
27 pursuant to article three of the family court act for the purpose of  
28 providing such certified copy or certified transcript of birth to such  
29 youth in anticipation of discharge from placement.

30 § 57. Section 70 of the general municipal law, as amended by section  
31 116 of subpart B of part C of chapter 62 of the laws of 2011, is amended  
32 to read as follows:

33 § 70. Payment of judgments against municipal corporation. When a final  
34 judgment for a sum of money shall be recovered against a municipal  
35 corporation, and the execution thereof shall not be stayed pursuant to  
36 law, or the time for such stay shall have expired, the treasurer or  
37 other financial officer of such corporation having sufficient moneys in  
38 his or her hands belonging to the corporation not otherwise specifically  
39 appropriated, shall pay such judgment upon the production of a certified  
40 copy of the docket thereof. Notwithstanding the provisions of any other  
41 law to the contrary, in any case where payment for any reason is to be  
42 made to an [~~inmate~~] incarcerated individual serving a sentence of impri-  
43 sonment with the state department of corrections and community super-  
44 vision or to a prisoner confined at a local correctional facility, the  
45 treasurer or other financial officer shall give written notice, if  
46 required pursuant to subdivision two of section six hundred thirty-two-a  
47 of the executive law, to the office of victim services that such payment  
48 shall be made thirty days after the date of such notice.

49 § 58. Section 87 of the general municipal law, as amended by chapter  
50 555 of the laws of 1978, is amended to read as follows:

51 § 87. Support and maintenance of charitable and other institutions.  
52 Boards of estimate and apportionment, common councils, boards of alder-  
53 men, boards of supervisors, town boards, boards of trustees of villages  
54 and all other boards or officers of counties, cities, towns and  
55 villages, authorized to appropriate and to raise money by taxation and  
56 to make payments therefrom, are hereby authorized, in their discretion,

1 to appropriate and to raise money by taxation and to make payments from  
2 said moneys, and from any moneys received from any other source and  
3 properly applicable thereto, to charitable, eleemosynary, correctional  
4 and reformatory institutions wholly or partly under private control, for  
5 the care, support and maintenance of their [~~inmates~~] incarcerated indi-  
6 viduals and out-patients, of the moneys which are or may be appropriated  
7 therefor; such payments to be made only for such [~~inmates~~] incarcerated  
8 individuals as are received and retained therein pursuant to regulations  
9 established by the state department of social services or other state  
10 department having the power of inspection thereof. In the absence within  
11 the state of adequate facilities conveniently accessible, payments for  
12 the support, care and maintenance of [~~inmates~~] incarcerated individuals  
13 and out-patients may be made to institutions, wholly or partly under  
14 private control, of a charitable or eleemosynary character, located  
15 without the state, which institutions if located within the state would  
16 be subject to the visitation, inspection and supervision of the depart-  
17 ment of social services. However, such payments may be made only to  
18 institutions conducted in conformity with the regulations of such  
19 department.

20 § 59. Subdivision 2 of section 101 of the general municipal law, as  
21 added by chapter 861 of the laws of 1953, is amended to read as follows:

22 2. Such specifications shall be drawn so as to permit separate and  
23 independent bidding upon each of the above three subdivisions of work.  
24 All contracts awarded by any political subdivision or by an officer,  
25 board or agency thereof, or of any district therein, for the erection,  
26 construction, reconstruction or alteration of buildings, or any part  
27 thereof, shall award the three subdivisions of the above specified work  
28 separately in the manner provided by section one hundred three of this  
29 [~~chapter~~] article. Nothing in this section shall be construed to prevent  
30 any political subdivision from performing any such branches of work by  
31 or through their regular employees, or in the case of public insti-  
32 tutions, by the [~~inmates~~] incarcerated individuals thereof.

33 § 60. Intentionally omitted.

34 § 61. Intentionally omitted.

35 § 62. Paragraph (e) of subdivision 2 of section 148 of the general  
36 municipal law, as added by chapter 871 of the laws of 1948, is amended  
37 to read as follows:

38 (e) The board of supervisors of the county of which such deceased  
39 person was a resident at the time of his or her death is hereby author-  
40 ized and directed to audit the account and pay the expenses of such  
41 burial and headstone, and a reasonable sum for the services and neces-  
42 sary expenses of the person or commission so designated. In case such  
43 person shall be at the time of his or her death an [~~inmate~~] incarcerated  
44 individual of any state institution, including state hospitals and  
45 soldiers' homes, or any institution, supported by the state and  
46 supported by public expense therein, the expense of such burial and  
47 headstone shall be a charge upon the county of his or her legal resi-  
48 dence.

49 § 63. Section 207-n of the general municipal law, as added by chapter  
50 622 of the laws of 1997, is amended to read as follows:

51 § 207-n. Performance of duty disability retirement. Notwithstanding  
52 the provisions of any general, special or local law or administrative  
53 code to the contrary, but except for the purposes of the workers'  
54 compensation law and the labor law, a paid member of the uniformed force  
55 of a paid correction department, where such paid member is drawn from  
56 competitive civil service lists, who successfully passed a physical

1 examination on entry into the service of such department, who contracts  
2 HIV (where there may have been exposure to a bodily fluid of an [~~inmate~~]  
3 incarcerated individual or any person confined in an institution under  
4 the jurisdiction of the department of [~~correction~~] corrections and  
5 community supervision, or the department of health, or any person who  
6 has been committed to such institution by any court as a natural and  
7 proximate result of an act of any [~~inmate~~] incarcerated individual or  
8 person described above, that may have involved transmission of a speci-  
9 fied transmissible disease from an [~~inmate~~] incarcerated individual or  
10 person described above to the member), tuberculosis or hepatitis will be  
11 presumed to have contracted such disease in the performance or discharge  
12 of his or her duties, unless the contrary be proved by competent  
13 evidence.

14 § 64. Intentionally omitted.

15 § 65. Paragraph (b) of subdivision 1 of section 671 of the county law,  
16 as amended by chapter 491 of the laws of 1987, is amended to read as  
17 follows:

18 (b) shall make inquiry into all deaths whether natural or unnatural in  
19 his or her county occurring to an [~~inmate~~] incarcerated individual of a  
20 correctional facility as defined by subdivision three of section forty  
21 of the correction law, whether or not the death occurred inside such  
22 facility.

23 § 66. Subdivision 5 of section 674 of the county law, as amended by  
24 chapter 490 of the laws of 2015, is amended to read as follows:

25 5. Notwithstanding section six hundred seventy of this article or any  
26 other provision of law, the coroner, coroner's physician or medical  
27 examiner shall promptly perform or cause to be performed an autopsy and  
28 to prepare an autopsy report which shall include a toxicological report  
29 and any report of any examination or inquiry with respect to any death  
30 occurring within his or her county to an [~~inmate~~] incarcerated individ-  
31 ual of a correctional facility as defined by subdivision three of  
32 section forty of the correction law, whether or not the death occurred  
33 inside such facility.

34 § 67. Subdivision 6 of section 677 of the county law, as amended by  
35 chapter 490 of the laws of 2015, is amended to read as follows:

36 6. Notwithstanding section six hundred seventy of this article or any  
37 other provision of law, the coroner, coroner's physician or medical  
38 examiner shall promptly provide the chairman of the correction medical  
39 review board and the commissioner of corrections and community super-  
40 vision with copies of any autopsy report, toxicological report or any  
41 report of any examination or inquiry prepared with respect to any death  
42 occurring to an [~~inmate~~] incarcerated individual of a correctional  
43 facility as defined by subdivision three of section forty of the  
44 correction law within his or her county; and shall promptly provide the  
45 executive director of the justice center for the protection of people  
46 with special needs with copies of any autopsy report, toxicology report  
47 or any report of any examination or inquiry prepared with respect to the  
48 death of any service recipient occurring while he or she was a resident  
49 in any facility operated, licensed or certified by any agency within the  
50 department of mental hygiene, the office of children and family  
51 services, the department of health or the state education department. If  
52 the toxicological report is prepared pursuant to any agreement or  
53 contract with any person, partnership, corporation or governmental agen-  
54 cy with the coroner or medical examiner, such report shall be promptly  
55 provided to the chairman of the correction medical review board, the  
56 commissioner of corrections and community supervision or the executive

1 director of the justice center for people with special needs, as appropriate, by such person, partnership, corporation or governmental agency.

2 § 68. Intentionally omitted.

3 § 69. Intentionally omitted.

4 § 70. Paragraph b of subdivision 1 of section 272 of the education law, as amended by section 88 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

5 b. The "area served" by a public library system for the purposes of  
6 this article shall mean the area which the public library system  
7 proposes to serve in its approved plan of service. In determining the  
8 population of the area served by the public library system the popu-  
9 lation shall be deemed to be that shown by the latest federal census for  
10 the political subdivisions in the area served. Such population shall be  
11 certified in the same manner as provided by section fifty-four of the  
12 state finance law except that such population shall include the reserva-  
13 tion and school Indian population and [~~inmates~~] incarcerated individuals  
14 of state institutions under the direction, supervision or control of the  
15 state department of corrections and community supervision, the state  
16 department of mental hygiene and the state department of social welfare.  
17 In the event that any of the political subdivisions receiving library  
18 service are included within a larger political subdivision which is a  
19 part of the public library system the population used for the purposes  
20 of computing state aid shall be the population of the larger political  
21 subdivision, provided however, that where any political subdivision  
22 within a larger political subdivision shall have taken an interim census  
23 since the last census taken of the larger political subdivision, the  
24 population of the larger political subdivision may be adjusted to  
25 reflect such interim census and, as so adjusted, may be used until the  
26 next census of such larger political subdivision. In the event that the  
27 area served is not coterminous with a political subdivision, the popu-  
28 lation of which is shown on such census, or the area in square miles of  
29 which is available from official sources, such population and area shall  
30 be determined, for the purpose of computation of state aid pursuant to  
31 section two hundred seventy-three of this part by applying to the popu-  
32 lation and area in square miles of such political subdivision, the ratio  
33 which exists between the assessed valuation of the portion of such poli-  
34 tical subdivision included within the area served and the total assessed  
35 valuation of such political subdivision.

36 § 71. Section 285 of the education law, as amended by section 6 of  
37 part O of chapter 57 of the laws of 2005, is amended to read as follows:

38 § 285. State aid for cooperation with correctional facilities. 1. Each  
39 public library system operating under an approved plan of service which  
40 has a state correctional facility or facilities within its area of  
41 service shall be awarded an annual grant of nine dollars twenty-five  
42 cents per capita for the [~~inmate~~] incarcerated individual population of  
43 such facility or facilities to make available to the [~~inmate~~] incarcer-  
44 ated individual population of such facility or facilities, in direct  
45 coordination with the correctional facilities libraries, the library  
46 resources of such system. The commissioner shall adopt any regulations  
47 necessary to carry out the purposes and provisions of this subdivision.

48 2. The commissioner is authorized to expend up to one hundred seven-  
49 ty-five thousand dollars annually to provide grants to public library  
50 systems operating under an approved plan of service for provision of  
51 services to county jail facilities. Such formula grants shall assist the  
52 library system in making available to the [~~inmate~~] incarcerated individ-  
53 ual population of such facility or facilities the library resources of

1 such system. Such grants shall be available to each public library  
2 system in such manner as to insure that the ratio of the amount each  
3 system is eligible to receive equals the ratio of the number of  
4 [~~inmates~~] incarcerated individuals served by the county jail facility to  
5 the total number of [~~inmates~~] incarcerated individuals served by county  
6 jail facilities in the state as of July first of the year preceding the  
7 calendar year in which the state aid to public library systems is to be  
8 paid. [~~Inmate~~] Incarcerated individual populations shall be certified by  
9 the New York state commission of correction. The commissioner shall  
10 adopt any regulations necessary to carry out the purposes and provisions  
11 of this subdivision.

12 § 72. Subdivision 3 of section 2016 of the education law, as amended  
13 by chapter 801 of the laws of 1953, is amended to read as follows:

14 3. An affidavit by any officer or employee of the board of education  
15 or any police officer, sheriff or deputy sheriff that he or she visited  
16 the premises claimed by the applicant as his or her residence, and that  
17 he or she interrogated an [~~inmate~~] incarcerated individual, housedwel-  
18 ler, keeper or caretaker, owner, proprietor, or landlord thereof or  
19 therein, as to the applicant's residence therein or thereat, and that he  
20 or she was informed by one or more of such persons, naming them, that  
21 they knew the persons residing upon such premises and that the applicant  
22 did not reside upon such premises thirty days before the meeting or  
23 election shall be presumptive evidence against the right of the voter to  
24 register from such premises.

25 § 73. Subdivision (h) of section 19.07 of the mental hygiene law, as  
26 amended by section 118-f of subpart B of part C of chapter 62 of the  
27 laws of 2011, is amended to read as follows:

28 (h) The office of alcoholism and substance abuse services shall moni-  
29 tor programs providing care and treatment to [~~inmates~~] incarcerated  
30 individuals in correctional facilities operated by the department of  
31 corrections and community supervision who have a history of alcohol or  
32 substance abuse or dependence. The office shall also develop guidelines  
33 for the operation of alcohol and substance abuse treatment programs in  
34 such correctional facilities in order to ensure that such programs  
35 sufficiently meet the needs of [~~inmates~~] incarcerated individuals with a  
36 history of alcohol or substance abuse or dependence and promote the  
37 successful transition to treatment in the community upon release. No  
38 later than the first day of December of each year, the office shall  
39 submit a report regarding the adequacy and effectiveness of alcohol and  
40 substance abuse treatment programs operated by the department of  
41 corrections and community supervision to the governor, the temporary  
42 president of the senate, the speaker of the assembly, the chairman of  
43 the senate committee on crime victims, crime and correction, and the  
44 chairman of the assembly committee on correction.

45 § 74. Section 29.27 of the mental hygiene law, as added by chapter 766  
46 of the laws of 1976, subdivision (c) as amended by chapter 789 of the  
47 laws of 1985, subdivisions (e), (f), (g), (i) and (j) as amended by  
48 section 118-h of subpart B of part C of chapter 62 of the laws of 2011,  
49 is amended to read as follows:

50 § 29.27 [~~Inmate~~] Incarcerated individual-patients placed in the custody  
51 of the department.

52 (a) As used in this section, the term "[~~inmate~~] incarcerated individ-  
53 ual-patient" means a person committed pursuant to the provisions of  
54 article sixteen of the correction law to the custody of the department  
55 of mental hygiene for care and treatment.

1 (b) The commissioner shall provide a facility or facilities in which  
2 [~~inmate~~] incarcerated individual-patients may be retained for care and  
3 treatment.

4 (c) An [~~inmate~~] incarcerated individual-patient may be retained for  
5 care and treatment in the facility designated by the commissioner for  
6 the period stated in the order committing the [~~inmate~~] incarcerated  
7 individual-patient to the custody of the department unless sooner trans-  
8 ferred or discharged in accordance with law. If the [~~inmate~~] incarcerat-  
9 ed individual-patient requires inpatient care and treatment for mental  
10 illness beyond such authorized period, the director of the facility  
11 where he or she is kept in custody shall apply for an order of retention  
12 or subsequent orders of retention in accordance with the procedures set  
13 forth in article nine of this chapter for the retention of patients. The  
14 provisions of this chapter applying to the rights of patients with  
15 respect to notices, hearings, judicial review, writ of habeas corpus,  
16 and the services of the mental hygiene legal service shall apply to  
17 [~~inmate~~] incarcerated individual-patients except that in no case shall  
18 an [~~inmate~~] incarcerated individual-patient be discharged or released  
19 from custody prior to the time that such [~~inmate~~] incarcerated individ-  
20 ual-patient has completed his or her term of imprisonment or that his or  
21 her release from custodial confinement in the correctional facility or  
22 jail from which he or she was delivered to the department has been duly  
23 authorized.

24 (d) During the period of his or her custody in the department of  
25 mental hygiene pursuant to this section, an [~~inmate~~] incarcerated indi-  
26 vidual-patient shall be entitled to the rights to care and treatment set  
27 forth in section 15.03 of this chapter and to such other rights granted  
28 to patients by this chapter, as determined by regulation of the commis-  
29 sioner, which are not inconsistent with his or her status as a person  
30 legally subject to confinement in a correctional facility or jail or  
31 with the mandate of secure custody of such [~~inmate~~] incarcerated indi-  
32 vidual-patient.

33 (e) When the director of the facility in which the [~~inmate~~] incarcer-  
34 ated individual-patient is in custody finds that the [~~inmate~~] incarcer-  
35 ated individual-patient is no longer mentally ill or no longer requires  
36 hospitalization for care and treatment, he or she shall so notify the  
37 [~~inmate~~] incarcerated individual-patient and commissioner of corrections  
38 and community supervision or, in the case of an [~~inmate~~] incarcerated  
39 individual-patient coming from a jail or correctional institution oper-  
40 ated by local government, the officer in charge of the jail or correc-  
41 tional institution from which the [~~inmate~~] incarcerated  
42 individual-patient was committed. The commissioner of corrections and  
43 community supervision or such officer, as the case may be, shall imme-  
44 diately arrange to take such [~~inmate~~] incarcerated individual-patient  
45 into custody and return him or her to a correctional facility or to the  
46 jail or correctional institution operated by local government.

47 (f) Upon delivery of the [~~inmate~~] incarcerated individual-patient to  
48 the representative of the commissioner of corrections and community  
49 supervision or of an officer in charge of a jail or correctional insti-  
50 tution operated by local government, the responsibility of the depart-  
51 ment and its facilities for the custody of the [~~inmate~~] incarcerated  
52 individual-patient shall terminate. Where the [~~inmate~~] incarcerated  
53 individual is returned to a state correctional facility, the department  
54 shall continue to be responsible for the [~~inmate~~] incarcerated individ-  
55 ual-patient's psychiatric care if the [~~inmate~~] incarcerated

1 individual-patient upon his or her return is in a program established  
2 pursuant to section four hundred one of the correction law.

3 (g) If an [~~inmate~~] incarcerated individual-patient in the custody of  
4 the department escapes from custody, immediate notice shall be given to  
5 the commissioner of corrections and community supervision or, in the  
6 case of an [~~inmate~~] incarcerated individual-patient coming from a jail  
7 or correctional institution operated by local government, to the officer  
8 in charge of such jail or correctional institution. Notice shall also be  
9 given to appropriate law enforcement authorities.

10 (h) The cost of care and treatment of an [~~inmate~~] incarcerated indi-  
11 vidual-patient in a department facility shall be a charge upon the  
12 department if the [~~inmate~~] incarcerated individual-patient was committed  
13 from a state correctional facility or upon the local government from  
14 which the [~~inmate~~] incarcerated individual-patient was committed.

15 (i) Upon release of an [~~inmate~~] incarcerated individual-patient from a  
16 facility, the director shall forward a copy of all health and psychiat-  
17 ric records to the commissioner of corrections and community supervision  
18 or to the officer in charge of a jail or correctional institution oper-  
19 ated by local government, as the case may be.

20 (j) If the sentence for which an [~~inmate~~] incarcerated  
21 individual-patient is confined expires or is vacated or modified by  
22 court order, the director shall so notify the commissioner of  
23 corrections and community supervision or such officer in charge of a  
24 jail or correctional institution operated by local government, as appro-  
25 priate.

26 § 75. The section heading and subdivision (a) of section 29.28 of the  
27 mental hygiene law, as added by section 5 of subpart C of part C of  
28 chapter 97 of the laws of 2011, are amended to read as follows:

29 Payment of costs for prosecution of [~~inmate~~] incarcerated  
30 individual-patients.

31 (a) When an [~~inmate~~] incarcerated individual-patient, as defined in  
32 subdivision (a) of section 29.27 of this article, who was committed from  
33 a state correctional facility, is alleged to have committed an offense  
34 while in the custody of the department, the department of corrections  
35 and community supervision shall pay all reasonable costs for the prose-  
36 cution of such offense, including but not limited to, costs for: a grand  
37 jury impaneled to hear and examine evidence of such offense, petit  
38 jurors, witnesses, the defense of any [~~inmate~~] incarcerated individual  
39 financially unable to obtain counsel in accordance with the provisions  
40 of the county law, the district attorney, the costs of the sheriff and  
41 the appointment of additional court attendants, officers or other judi-  
42 cial personnel.

43 § 76. Subdivision (g) of section 33.08 of the mental hygiene law, as  
44 added by chapter 709 of the laws of 1986, is amended to read as follows:

45 (g) For the purposes of this section, a person who has been admitted  
46 to central New York psychiatric center from a state correctional facili-  
47 ty or county jail pursuant to section four hundred two of the correction  
48 law shall not be considered a patient in a hospital operated by the  
49 office of mental health. Notwithstanding any other provision of this  
50 section, a person who has been admitted to central New York psychiatric  
51 center from a county jail pursuant to section four hundred two of the  
52 correction law shall be entitled to receive a monthly state payment for  
53 personal needs in an amount equal to, and calculated in the same manner  
54 as, an incentive allowance which is provided to an [~~inmate~~] incarcerated  
55 individual of a state correctional institution pursuant to section two  
56 hundred of the correction law.



1 § 77. Paragraph 10 of subdivision (c) of section 33.13 of the mental  
2 hygiene law, as amended by section 118-i of subpart B of part C of chap-  
3 ter 62 of the laws of 2011, is amended to read as follows:

4 10. to a correctional facility, when the chief administrative officer  
5 has requested such information with respect to a named [~~inmate~~] incar-  
6 cerated individual of such correctional facility as defined by subdivi-  
7 sion three of section forty of the correction law or to the department  
8 of corrections and community supervision, when the department has  
9 requested such information with respect to a person under its jurisdic-  
10 tion or an [~~inmate~~] incarcerated individual of a state correctional  
11 facility, when such [~~inmate~~] incarcerated individual is within four  
12 weeks of release from such institution to community supervision. Infor-  
13 mation released pursuant to this paragraph may be limited to a summary  
14 of the record, including but not limited to: the basis for referral to  
15 the facility; the diagnosis upon admission and discharge; a diagnosis  
16 and description of the patient's or client's current mental condition;  
17 the current course of treatment, medication and therapies; and the  
18 facility's recommendation for future mental hygiene services, if any.  
19 Such information may be forwarded to the department of corrections and  
20 community supervision staff in need of such information for the purpose  
21 of making a determination regarding an [~~inmate's~~] incarcerated individ-  
22 ual's health care, security, safety or ability to participate in  
23 programs. In the event an [~~inmate~~] incarcerated individual is trans-  
24 ferred, the sending correctional facility shall forward, upon request,  
25 such summaries to the chief administrative officer of any correctional  
26 facility to which the [~~inmate~~] incarcerated individual is subsequently  
27 incarcerated. The office of mental health and the office for people  
28 with developmental disabilities, in consultation with the commission of  
29 correction and the department of corrections and community supervision,  
30 shall promulgate rules and regulations to implement the provisions of  
31 this paragraph.

32 § 78. Intentionally omitted.

33 § 79. Subdivisions a and b of section 63-a of the retirement and  
34 social security law, subdivision a as amended by section 138 of subpart  
35 B of part C of chapter 62 of the laws of 2011 and subdivision b as added  
36 by chapter 722 of the laws of 1996, are amended to read as follows:

37 a. Any member in the uniformed personnel in institutions under the  
38 jurisdiction of the department of corrections and community supervision  
39 or a security hospital treatment assistant, as those terms are defined  
40 in subdivision i of section eighty-nine of this article, who becomes  
41 physically or mentally incapacitated for the performance of duties as  
42 the natural and proximate result of an injury, sustained in the perform-  
43 ance or discharge of his or her duties by, or as the natural and proxi-  
44 mate result of an act of any [~~inmate~~] incarcerated individual or any  
45 person confined in an institution under the jurisdiction of the depart-  
46 ment of corrections and community supervision or office of mental  
47 health, or by any person who has been committed to such institution by  
48 any court shall be paid a performance of duty disability retirement  
49 allowance equal to that which is provided in section sixty-three of this  
50 title, subject to the provisions of section sixty-four of this title.

51 b. Notwithstanding any provision of this chapter or of any general or  
52 special law to the contrary, a member covered by this section who  
53 contracts HIV (where there may have been an exposure to a bodily fluid  
54 of an [~~inmate~~] incarcerated individual or a person described in subdivi-  
55 sion a of this section as a natural and proximate result of an act of  
56 any [~~inmate~~] incarcerated individual or person described in [~~such~~]

1 subdivision a that may have involved transmission of a specified tran-  
2 smissible disease from an [~~inmate~~] incarcerated individual or such  
3 person described in [~~such~~] subdivision a to the retirement system  
4 member), tuberculosis or hepatitis will be presumed to have contracted  
5 such disease in the performance or discharge of his or her duties, and  
6 will be presumed to be disabled from the performance of his or her  
7 duties, unless the contrary be proved by competent evidence.

8 § 80. Subdivisions b and c of section 63-b of the retirement and  
9 social security law, as added by chapter 639 of the laws of 1999, are  
10 amended to read as follows:

11 b. Any sheriff, deputy sheriff, undersheriff, or correction officer as  
12 defined in subdivision a of this section, who becomes physically or  
13 mentally incapacitated for the performance of duties as the natural and  
14 proximate result of an injury, sustained in the performance or discharge  
15 of his or her duties by, or as the natural and proximate result of an  
16 act of any [~~inmate~~] incarcerated individual or any person confined in an  
17 institution under the jurisdiction of such county, shall be paid a  
18 performance of duty disability retirement allowance equal to that which  
19 is provided in section sixty-three of this title, subject to the  
20 provisions of section sixty-four of this title.

21 c. Notwithstanding any provision of this chapter or of any general or  
22 special law to the contrary, a member covered by this section who  
23 contracts HIV (where there may have been an exposure to a bodily fluid  
24 of an [~~inmate~~] incarcerated individual or a person defined in subdivi-  
25 sion b of this section as a natural and proximate result of an act of  
26 any [~~inmate~~] incarcerated individual or person described in such subdivi-  
27 sion b that may have involved transmission of a specified transmissi-  
28 ble disease from an [~~inmate~~] incarcerated individual or person described  
29 in such subdivision b to the retirement system member), tuberculosis or  
30 hepatitis will be presumed to have contracted such disease in the  
31 performance or discharge of his or her duties, and will be presumed to  
32 be disabled from the performance of his or her duties, unless the  
33 contrary be proved by competent evidence.

34 § 81. Subdivision i of section 89 of the retirement and social securi-  
35 ty law, as amended by section 139 of subpart B of part C of chapter 62  
36 of the laws of 2011, is amended to read as follows:

37 i. As used in this section, "uniformed persons" or "uniformed person-  
38 nel" in institutions under the jurisdiction of the department of  
39 corrections and community supervision or "security hospital treatment  
40 assistants" under the jurisdiction of the office of mental health mean  
41 officers or employees holding the titles hereinafter set forth in insti-  
42 tutions under the jurisdiction of the department of corrections and  
43 community supervision or under the jurisdiction of the office of mental  
44 health, namely: correction officers, prison guards, correction  
45 sergeants, correction lieutenants, correction captains, deputy assistant  
46 superintendent or warden, deputy warden or deputy superintendent, super-  
47 intendants and wardens, assistant director and director of correction  
48 reception center, director of correctional program, assistant director  
49 of correctional program, director of community correctional center,  
50 community correctional center assistant, correction hospital officers,  
51 male or female, correction hospital senior officers, correction hospital  
52 charge officer, correction hospital supervising officer, correction  
53 hospital security supervisor, correction hospital chief officer,  
54 correction youth camp officer, correction youth camp supervisor, assist-  
55 ant supervisor, correctional camp superintendent, assistant correctional  
56 camp superintendent, director of crisis intervention unit, assistant

1 director of crisis intervention unit, security hospital treatment  
2 assistants, security hospital treatment assistants (Spanish speaking),  
3 security hospital senior treatment assistants, security hospital super-  
4 vising treatment assistants and security hospital treatment chiefs.  
5 Previous service rendered under the titles by which such positions were  
6 formerly designated and previous service rendered as a narcotic  
7 addiction control commission officer shall constitute creditable  
8 service. Notwithstanding any provision of law to the contrary, any  
9 employee of the department of corrections and community supervision who  
10 became enrolled under this section by reason of employment as a  
11 uniformed person in an institution under the jurisdiction of the depart-  
12 ment of corrections and community supervision shall be entitled to full  
13 retirement credit for, and full allowance shall be made under this  
14 section for the service of such employee, not to exceed twelve years,  
15 while assigned to the training academy or central office, in the follow-  
16 ing titles, namely: correction officer, correction sergeant, correction  
17 lieutenant, correction captain, correctional services investigator,  
18 senior correctional services employee investigator, correctional  
19 services fire and safety coordinator, director of special housing and  
20 [~~inmate~~] incarcerated individual disciplinary program, assistant direc-  
21 tor of special housing and [~~inmate~~] incarcerated individual disciplinary  
22 program, assistant chief of investigations, director of CERT operations,  
23 correctional facility operations specialist, director of security staff-  
24 ing project, correctional security technical services specialist,  
25 assistant commissioner and deputy commissioner.

26 § 82. Subdivisions a and b of section 507-b of the retirement and  
27 social security law, subdivision a as amended by section 146 of subpart  
28 B of part C of chapter 62 of the laws of 2011 and subdivision b as added  
29 by chapter 722 of the laws of 1996, are amended to read as follows:

30 a. Any member in the uniformed personnel in institutions under the  
31 jurisdiction of the department of corrections and community supervision  
32 or a security hospital treatment assistant, as those terms are defined  
33 in subdivision i of section eighty-nine of this chapter, who becomes  
34 physically or mentally incapacitated for the performance of duties as  
35 the natural and proximate result of an injury, sustained in the perform-  
36 ance or discharge of his or her duties by, or as a natural and proximate  
37 result of, an act of any [~~inmate~~] incarcerated individual or any person  
38 confined in an institution under the jurisdiction of the department of  
39 corrections and community supervision or office of mental health, or by  
40 any person who has been committed to such institution by any court shall  
41 be paid a performance of duty disability retirement allowance equal to  
42 that which is provided in section sixty-three of this chapter, subject  
43 to the provisions of section sixty-four of this chapter.

44 b. Notwithstanding any provision of this chapter or of any general or  
45 special law to the contrary, a member covered by this section who  
46 contracts HIV (where there may have been an exposure to a bodily fluid  
47 of an [~~inmate~~] incarcerated individual or a person described in subdivi-  
48 sion a of this section as a natural and proximate result of an act of  
49 any [~~inmate~~] incarcerated individual or person described in such subdivi-  
50 sion a that may have involved transmission of a specified transmissi-  
51 ble disease from an [~~inmate~~] incarcerated individual or such person  
52 described in such subdivision a to the retirement system member), tuber-  
53 culosis or hepatitis will be presumed to have contracted such disease in  
54 the performance or discharge of his or her duties, and will be presumed  
55 to be disabled from the performance of his or her duties, unless the  
56 contrary be proved by competent evidence.

1 § 83. Subdivisions a and b of section 507-c of the retirement and  
2 social security law, subdivision a as amended by chapter 18 of the laws  
3 of 2012 and subdivision b as added by chapter 622 of the laws of 1997,  
4 are amended to read as follows:

5 a. Any member in the uniformed personnel in institutions under the  
6 jurisdiction of the New York city department of correction, who becomes  
7 physically or mentally incapacitated for the performance of duties as  
8 the natural and proximate result of an injury, sustained in the perform-  
9 ance or discharge of his or her duties by, or as a natural and proximate  
10 result of, an act of any [~~inmate~~] incarcerated individual or any person  
11 confined in an institution under the jurisdiction of the department of  
12 correction or the department of health, or by any person who has been  
13 committed to such institution by any court shall be paid a performance  
14 of duty disability retirement allowance equal to three-quarters of final  
15 average salary, subject to the provisions of section 13-176 of the  
16 administrative code of the city of New York, provided, however, that the  
17 provisions of this section shall not apply to a member of the uniformed  
18 force of the New York city department of correction who is a New York  
19 city uniformed correction/sanitation revised plan member.

20 b. Notwithstanding any provision of this chapter or of any general or  
21 special law to the contrary, a member covered by this section who  
22 contracts HIV (where there may have been an exposure to a bodily fluid  
23 of an [~~inmate~~] incarcerated individual or a person described in subdivi-  
24 sion a of this section as a natural and proximate result of an act of  
25 any [~~inmate~~] incarcerated individual or person described in subdivision  
26 a of this section that may have involved transmission of a specified  
27 transmissible disease from an [~~inmate~~] incarcerated individual or such  
28 person described in such subdivision a to the retirement system member),  
29 tuberculosis or hepatitis will be presumed to have contracted such  
30 disease in the performance or discharge of his or her duties, and will  
31 be presumed to be disabled from the performance of his or her duties,  
32 unless the contrary be proved by competent evidence.

33 § 84. Subdivision b of section 607-a of the retirement and social  
34 security law, as added by chapter 722 of the laws of 1996, is amended to  
35 read as follows:

36 b. Notwithstanding any provision of this chapter or of any general or  
37 special law to the contrary, a member covered by this section who  
38 contracts HIV (where there may have been an exposure to a bodily fluid  
39 of an [~~inmate~~] incarcerated individual or a person described in subdivi-  
40 sion a of this section as a natural and proximate result of an act of  
41 any [~~inmate~~] incarcerated individual or person described in such subdivi-  
42 sion a that may have involved transmission of a specified transmissi-  
43 ble disease from an [~~inmate~~] incarcerated individual or such person  
44 described in such subdivision a to the retirement system member), tuber-  
45 culosis or hepatitis will be presumed to have contracted such disease in  
46 the performance or discharge of his or her duties, and will be presumed  
47 to be disabled from the performance of his or her duties, unless the  
48 contrary be proved by competent evidence.

49 § 85. Subdivisions a and b of section 607-c of the retirement and  
50 social security law, as added by chapter 639 of the laws of 1999, are  
51 amended to read as follows:

52 a. Any sheriff, deputy sheriff, undersheriff or correction officer as  
53 defined in subdivision a of section sixty-three-b of this chapter, and  
54 who are employed in a county which makes an election pursuant to subdivi-  
55 sion d of such section sixty-three-b, who becomes physically or  
56 mentally incapacitated for the performance of duties as the natural and

1 proximate result of an injury, sustained in the performance or discharge  
2 of his or her duties by, or as the natural and proximate result of any  
3 act of any [~~inmate~~] incarcerated individual or any person confined in an  
4 institution under the jurisdiction of such county, shall be paid a  
5 performance of duty disability retirement allowance equal to that which  
6 is provided in section sixty-three of this chapter, subject to the  
7 provisions of section sixty-four of this chapter.

8 b. Notwithstanding any provision of this chapter or of any general or  
9 special law to the contrary, a member covered by this section who  
10 contracts HIV (where there may have been an exposure to a bodily fluid  
11 of an [~~inmate~~] incarcerated individual or a person defined in subdivi-  
12 sion a of this section as a natural and proximate result of an act of  
13 any [~~inmate~~] incarcerated individual or person described in such subdivi-  
14 sion a that may have involved transmission of a specified transmissi-  
15 ble disease from an [~~inmate~~] incarcerated individual or person described  
16 in such subdivision a to the retirement system member), tuberculosis or  
17 hepatitis will be presumed to have contracted such disease in the  
18 performance or discharge of his or her duties, and will be presumed to  
19 be disabled from the performance of his or her duties, unless the  
20 contrary be proved by competent evidence.

21 § 86. Subdivision (b) of section 118 of the social services law, as  
22 added by chapter 200 of the laws of 1946, is amended to read as follows:

23 (b) an [~~inmate~~] incarcerated individual of any public institution or  
24 any incorporated private institution, or

25 § 87. Subdivisions 1, 2, 5, 6, 7, 8 and 8-a of section 194 of the  
26 social services law, subdivision 8 as added by chapter 226 of the laws  
27 of 1950 and subdivision 8-a as added by chapter 805 of the laws of 1962,  
28 are amended to read as follows:

29 1. be responsible for the management of the home and for the care of  
30 its [~~inmates~~] incarcerated individuals,

31 2. have control of the admission and discharge of [~~inmates~~] incarcer-  
32 ated individuals of the home,

33 5. classify the [~~inmates~~] incarcerated individuals of the home, and  
34 provide the type of care best fitted to their needs and carry out the  
35 recommendations of the attending physician in regard to their care,

36 6. establish rules for the administration of the public home and for  
37 the conduct and employment of the [~~inmates~~] incarcerated individuals  
38 thereof; but such rules shall not be valid unless approved in writing by  
39 the department,

40 7. as far as practicable provide suitable employment for any [~~inmate~~]  
41 incarcerated individual whom the attending physician pronounces able to  
42 work, assigning such inmates to such labor in connection with the farm  
43 and garden, or the care and upkeep of the buildings or other suitable  
44 tasks in the public home as they may be deemed capable of performing,  
45 and providing occupational and other diversions as may be for the best  
46 interests of the [~~inmates~~] incarcerated individuals,

47 8. when in their individual judgment and discretion it appears advis-  
48 able, for purposes of rehabilitation, to provide incentive compensation  
49 to an [~~inmate~~] incarcerated individual, in any amount or amounts total-  
50 ling ten dollars or less per month, for work assigned and performed in  
51 or about the public home, farm and garden; but the payment of any such  
52 reward shall not be deemed, for the purposes of any law, to make the  
53 [~~inmate~~] incarcerated individual receiving the same an employee of the  
54 public home or of the county or city maintaining such home,

55 8-a. deposit as prescribed in section eighty-seven of this chapter,  
56 any and all moneys received by him or her for the use of a particular

1 [~~inmate~~] incarcerated individual or [~~inmates~~] incarcerated individuals  
 2 of the public home[~~]~~.

3 § 88. Section 194-a of the social services law, as added by chapter  
 4 384 of the laws of 1961, is amended to read as follows:

5 § 194-a. Additional power of work assignment granted to commissioner  
 6 of public welfare of Monroe county. When, pursuant to the provisions of  
 7 subdivision eight of section one hundred ninety-four of this [~~chapter~~]  
 8 title, the commissioner of public welfare of Monroe county deems it  
 9 advisable to assign work to an [~~inmate~~] incarcerated individual, such  
 10 work may be assigned and performed in or about not only the public home,  
 11 farm and garden but also any other property maintained under his super-  
 12 vision. The payment of any reward pursuant to such subdivision eight  
 13 shall not be deemed, for the purposes of any law, to make the [~~inmate~~]  
 14 incarcerated individual receiving the same an employee of the public  
 15 home or of the county or city maintaining such home or such other prop-  
 16 erty maintained under the commissioner's jurisdiction.

17 § 89. Section 195 of the social services law is amended to read as  
 18 follows:

19 § 195. Medical care. 1. Each [~~inmate~~] incarcerated individual shall be  
 20 examined by the attending physician or physicians as soon after admis-  
 21 sion to the public home as practicable.

22 2. A medical record shall be kept for each [~~inmate~~] incarcerated indi-  
 23 vidual, in which shall be recorded his or her condition on admission,  
 24 the physician's recommendation of the type of care to be given him or  
 25 her and any medical attention given to the [~~inmate~~] incarcerated indi-  
 26 vidual subsequent to the examination on admission.

27 3. The physician shall be responsible for the medical care given  
 28 [~~inmates~~] incarcerated individuals who are ill, and shall give such  
 29 orders as he considers necessary for their welfare. He or she shall (a)  
 30 visit the public home at regular intervals and shall re-examine the  
 31 [~~inmates~~] incarcerated individuals periodically, as the need of the  
 32 [~~inmates~~] incarcerated individuals may require,

33 (b) also visit the public home, on call of the superintendent, in case  
 34 of the illness of any [~~inmate~~] incarcerated individual,

35 (c) make such recommendations to the commissioner of public welfare as  
 36 to changes, improvements and additional equipment as he may deem neces-  
 37 sary for the adequate care of the [~~inmates~~] incarcerated individuals of  
 38 such home.

39 4. Any physician who accepts an appointment as attending physician to  
 40 the [~~inmates~~] incarcerated individuals of a public home shall be obli-  
 41 gated to carry out the provisions of this section. The commissioner may  
 42 dismiss an attending physician who fails to fulfill such duties.

43 § 90. Section 196 of the social services law is amended to read as  
 44 follows:

45 § 196. Report on needs of [~~inmates~~] incarcerated individuals of public  
 46 homes. It shall be the duty of the commissioner of public welfare to  
 47 report to the legislative body as to the needs of the home and to make  
 48 recommendations of any changes, improvements, additional equipment or  
 49 other provision which he or she may consider necessary to provide  
 50 adequate care for the [~~inmates~~] incarcerated individuals.

51 § 91. Section 197 of the social services law is amended to read as  
 52 follows:

53 § 197. [~~Inmates'~~] Incarcerated individuals' right of appeal. Any  
 54 [~~inmate~~] incarcerated individual of a public home, who considers himself  
 55 or herself to have a cause for complaint against any officer or employee

1 of the public home, shall have the right of appeal to the superintendent  
2 of the public home, and to the commissioner of public welfare.

3 § 92. Section 198 of the social services law, as amended by chapter 82  
4 of the laws of 1941, is amended to read as follows:

5 § 198. Control of [~~inmates~~] incarcerated individuals. If any [~~inmate~~]  
6 incarcerated individual shall wilfully disobey the rules of the home in  
7 such a way as to be detrimental to the welfare of the other [~~inmates~~]  
8 incarcerated individuals, the commissioner may institute a proceeding in  
9 a court of competent jurisdiction against such [~~inmate~~] incarcerated  
10 individual for disorderly conduct.

11 § 93. Section 199 of the social services law, as amended by chapter  
12 195 of the laws of 1973, is amended to read as follows:

13 § 199. Power of commissioner of public welfare to detain certain  
14 [~~inmates~~] incarcerated individuals. The commissioner of public welfare  
15 shall have power to detain in the public home, pending a vacancy for  
16 such person in a state institution, a person over the age of sixteen who  
17 has been certified as mentally retarded or epileptic in accordance with  
18 the provisions of the mental hygiene law and for whom an application for  
19 admission to a state institution has been made. Whenever the commission-  
20 er shall so detain an [~~inmate~~] incarcerated individual in the public  
21 home he or she shall at once notify the state department of mental  
22 hygiene.

23 § 94. Subdivisions 2, 4 and 6 of section 200 of the social services  
24 law, are amended to read as follows:

25 2. utilize the labor of such of the [~~inmates~~] incarcerated individuals  
26 of the public home as may in the judgment of the attending physician be  
27 able to work on the farm,

28 4. sell such surplus produce and proceeds of such farm and labor as  
29 may remain after the needs of the [~~inmates~~] incarcerated individuals of  
30 the public home have been supplied,

31 6. keep a record of the work of the farm, including the labor of the  
32 [~~inmates~~] incarcerated individuals of the public home on the farm and of  
33 the produce and proceeds of the farm supplied for the use of the public  
34 home, with the estimated value of such produce and proceeds,

35 § 95. Intentionally omitted.

36 § 96. Subdivision 1-a of section 366 of the social services law, as  
37 amended by section 21-a of part B of chapter 59 of the laws of 2016, is  
38 amended to read as follows:

39 1-a. Notwithstanding any other provision of law, in the event that a  
40 person who is an [~~inmate~~] incarcerated individual of a state or local  
41 correctional facility, as defined in section two of the correction law,  
42 was in receipt of medical assistance pursuant to this title immediately  
43 prior to being admitted to such facility, such person shall remain  
44 eligible for medical assistance while an [~~inmate~~] incarcerated individ-  
45 ual, except that no medical assistance shall be furnished pursuant to  
46 this title for any care, services, or supplies provided during such time  
47 as the person is an [~~inmate~~] incarcerated individual; provided, however,  
48 that nothing herein shall be deemed as preventing the provision of  
49 medical assistance for inpatient hospital services furnished to an  
50 [~~inmate~~] incarcerated individual at a hospital outside of the premises  
51 of such correctional facility or pursuant to other federal authority  
52 authorizing the provision of medical assistance to an [~~inmate~~] incarcer-  
53 ated individual of a state or local correctional facility during the  
54 thirty days prior to release, to the extent that federal financial  
55 participation is available for the costs of such services. Upon release  
56 from such facility, such person shall continue to be eligible for

1 receipt of medical assistance furnished pursuant to this title until  
2 such time as the person is determined to no longer be eligible for  
3 receipt of such assistance. To the extent permitted by federal law, the  
4 time during which such person is an [~~inmate~~] incarcerated individual  
5 shall not be included in any calculation of when the person must recer-  
6 tify his or her eligibility for medical assistance in accordance with  
7 this article. The state may seek federal authority to provide medical  
8 assistance for transitional services including but not limited to  
9 medical, prescription, and care coordination services for high needs  
10 [~~inmates~~] incarcerated individuals in state and local correctional  
11 facilities during the thirty days prior to release.

12 § 97. Intentionally omitted.

13 § 98. Section 480 of the social services law is amended to read as  
14 follows:

15 § 480. Labor of children not to be hired out. It shall be unlawful  
16 for the trustees or managers of any house of refuge, reformatory or  
17 other correctional institution, to contract, hire, or let by the day,  
18 week or month, or any longer period, the services or labor of any child  
19 or children, now or hereafter committed to or [~~inmates~~] incarcerated  
20 individual of such institutions.

21 § 99. Section 69 of the general business law, as amended by section 1  
22 of part A of chapter 62 of the laws of 2003, the second undesignated  
23 paragraph as amended by section 115 of subpart B of part C of chapter 62  
24 of the laws of 2011, is amended to read as follows:

25 § 69. Sale of [~~inmate~~] incarcerated individual made goods. No goods,  
26 wares, or merchandise, manufactured, produced or mined wholly or in part  
27 by [~~inmates~~] incarcerated individuals, except [~~inmates~~] incarcerated  
28 individuals or persons on parole, probation, or release, shall be sold  
29 in this state to any person, firm, association or corporation except  
30 that nothing in this section shall be construed to forbid the sale of  
31 such goods produced in the correctional facilities of this state to the  
32 state, the government of the United States or to any state of the United  
33 States, or any political subdivision thereof, or for any public institu-  
34 tion owned or managed and controlled by the state, or any political  
35 subdivision thereof, as provided in section one hundred eighty-four of  
36 the correction law, or any public corporation or eleemosynary associ-  
37 ation or corporation funded in whole or in part by any federal, state or  
38 local funds, or to forbid the sale, subject to the rules and regulations  
39 of the head of the department or other like governmental authority  
40 having jurisdiction, of any product resulting from occupational therapy  
41 within any penal or correctional institution, as provided in section one  
42 hundred ninety-seven of the correction law.

43 Nothing in this section shall be construed to forbid the sale of parts  
44 and components produced by [~~inmate~~] incarcerated individual labor in  
45 correctional industry programs of the government of the United States or  
46 any state of the United States, or any political subdivision thereof, to  
47 the department of corrections and community supervision's division of  
48 correctional industries for use in its manufacturing operations.

49 A violation of the provisions of this section shall constitute a  
50 misdemeanor.

51 § 100. Paragraph (b) of subdivision 1 and paragraph (g) of subdivision  
52 2 of section 399-ddd of the general business law, as added by chapter  
53 371 of the laws of 2012, are amended to read as follows:

54 (b) For purposes of this section, the term [~~"inmate"~~] "incarcerated  
55 individual" means a person confined in any local correctional facility  
56 as defined in subdivision sixteen of section two of the correction law



1 or in any correctional facility as defined in paragraph (a) of subdivi-  
2 sion four of section two of the correction law pursuant to such person's  
3 conviction of a criminal offense.

4 (g) Knowingly use the labor or time of or employ any [~~inmate~~] incar-  
5 cerated individual in this state, or in any other jurisdiction, in any  
6 capacity that involves obtaining access to, collecting or processing  
7 social security account numbers of other individuals.

8 § 101. Intentionally omitted.

9 § 102. Subdivision 7 of section 60.04 of the penal law, as amended by  
10 section 120 of subpart B of part C of chapter 62 of the laws of 2011, is  
11 amended to read as follows:

12 7. a. Shock incarceration participation. When the court imposes a  
13 sentence of imprisonment which requires a commitment to the department  
14 of corrections and community supervision upon a person who stands  
15 convicted of a controlled substance or marihuana offense, upon motion of  
16 the defendant, the court may issue an order directing that the depart-  
17 ment of corrections and community supervision enroll the defendant in  
18 the shock incarceration program as defined in article twenty-six-A of  
19 the correction law, provided that the defendant is an eligible [~~inmate~~]  
20 incarcerated individual, as described in subdivision one of section  
21 eight hundred sixty-five of the correction law. Notwithstanding the  
22 foregoing provisions of this subdivision, any defendant to be enrolled  
23 in such program pursuant to this subdivision shall be governed by the  
24 same rules and regulations promulgated by the department of corrections  
25 and community supervision, including without limitation those rules and  
26 regulations establishing requirements for completion and such rules and  
27 regulations governing discipline and removal from the program.

28 b. (i) In the event that an [~~inmate~~] incarcerated individual desig-  
29 nated by court order for enrollment in the shock incarceration program  
30 requires a degree of medical care or mental health care that cannot be  
31 provided at a shock incarceration facility, the department, in writing,  
32 shall notify the [~~inmate~~] incarcerated individual, provide a proposal  
33 describing a proposed alternative-to-shock-incarceration program, and  
34 notify him or her that he or she may object in writing to placement in  
35 such alternative-to-shock-incarceration program. If the [~~inmate~~] incar-  
36 cerated individual objects in writing to placement in such alternative-  
37 to-shock-incarceration program, the department of corrections and commu-  
38 nity supervision shall notify the sentencing court, provide such  
39 proposal to the court, and arrange for the [~~inmate's~~] incarcerated indi-  
40 vidual's prompt appearance before the court. The court shall provide the  
41 proposal and notice of a court appearance to the people, the [~~inmate~~]  
42 incarcerated individual and the appropriate defense attorney. After  
43 considering the proposal and any submissions by the parties, and after a  
44 reasonable opportunity for the people, the [~~inmate~~] incarcerated indi-  
45 vidual and counsel to be heard, the court may modify its sentencing  
46 order accordingly, notwithstanding the provisions of section 430.10 of  
47 the criminal procedure law.

48 (ii) An [~~inmate~~] incarcerated individual who successfully completes an  
49 alternative-to-shock-incarceration program within the department of  
50 corrections and community supervision shall be treated in the same  
51 manner as a person who has successfully completed the shock incarcera-  
52 tion program, as set forth in subdivision four of section eight hundred  
53 sixty-seven of the correction law.

54 § 103. Paragraph (a) of subdivision 5 of section 60.35 of the penal  
55 law, as amended by section 1 of part E of chapter 56 of the laws of  
56 2004, is amended to read as follows:

1 (a) When a person who is convicted of a crime or violation and  
2 sentenced to a term of imprisonment has failed to pay the mandatory  
3 surcharge, sex offender registration fee, DNA databank fee, crime victim  
4 assistance fee or supplemental sex offender victim fee required by this  
5 section, the clerk of the court that rendered the conviction shall noti-  
6 fy the superintendent or the municipal official of the facility where  
7 the person is confined. The superintendent or the municipal official  
8 shall cause any amount owing to be collected from such person during his  
9 or her term of imprisonment from moneys to the credit of an [~~inmates~~]  
10 incarcerated individuals' fund or such moneys as may be earned by a  
11 person in a work release program pursuant to section eight hundred sixty  
12 of the correction law. Such moneys attributable to the mandatory  
13 surcharge or crime victim assistance fee shall be paid over to the state  
14 comptroller to the credit of the criminal justice improvement account  
15 established by section ninety-seven-bb of the state finance law and such  
16 moneys attributable to the sex offender registration fee or DNA databank  
17 fee shall be paid over to the state comptroller to the credit of the  
18 general fund, except that any such moneys collected which are  
19 surcharges, sex offender registration fees, DNA databank fees, crime  
20 victim assistance fees or supplemental sex offender victim fees levied  
21 in relation to convictions obtained in a town or village justice court  
22 shall be paid within thirty days after the receipt thereof by the super-  
23 intendent or municipal official of the facility to the justice of the  
24 court in which the conviction was obtained. For the purposes of collect-  
25 ing such mandatory surcharge, sex offender registration fee, DNA data-  
26 bank fee, crime victim assistance fee, and supplemental sex offender  
27 victim fee, the state shall be legally entitled to the money to the  
28 credit of an [~~inmates~~] incarcerated individuals' fund or money which is  
29 earned by an [~~inmate~~] incarcerated individual in a work release  
30 program. For purposes of this subdivision, the term "[~~inmates~~] incar-  
31 cerated individuals' fund" shall mean moneys in the possession of an  
32 [~~inmate~~] incarcerated individual at the time of his or her admission  
33 into such facility, funds earned by him or her as provided for in  
34 section one hundred eighty-seven of the correction law and any other  
35 funds received by him or her or on his or her behalf and deposited with  
36 such superintendent or municipal official.

37 § 103-a. Subdivision 5 of section 60.35 of the penal law, as amended  
38 by section 2 of part E of chapter 56 of the laws of 2004, is amended to  
39 read as follows:

40 5. When a person who is convicted of a crime or violation and  
41 sentenced to a term of imprisonment has failed to pay the mandatory  
42 surcharge, sex offender registration fee, DNA databank fee, crime victim  
43 assistance fee or supplemental sex offender victim fee required by this  
44 section, the clerk of the court that rendered the conviction shall noti-  
45 fy the superintendent or the municipal official of the facility where  
46 the person is confined. The superintendent or the municipal official  
47 shall cause any amount owing to be collected from such person during his  
48 or her term of imprisonment from moneys to the credit of an [~~inmates~~]  
49 incarcerated individuals' fund or such moneys as may be earned by a  
50 person in a work release program pursuant to section eight hundred sixty  
51 of the correction law. Such moneys attributable to the mandatory  
52 surcharge or crime victim assistance fee shall be paid over to the state  
53 comptroller to the credit of the criminal justice improvement account  
54 established by section ninety-seven-bb of the state finance law and such  
55 moneys attributable to the sex offender registration fee or DNA databank  
56 fee shall be paid over to the state comptroller to the credit of the

1 general fund, except that any such moneys collected which are  
2 surcharges, sex offender registration fees, DNA databank fees, crime  
3 victim assistance fees or supplemental sex offender victim fees levied  
4 in relation to convictions obtained in a town or village justice court  
5 shall be paid within thirty days after the receipt thereof by the super-  
6 intendent or municipal official of the facility to the justice of the  
7 court in which the conviction was obtained. For the purposes of collect-  
8 ing such mandatory surcharge, sex offender registration fee, DNA data-  
9 bank fee, crime victim assistance fee and supplemental sex offender  
10 victim fee, the state shall be legally entitled to the money to the  
11 credit of an [~~inmates~~] incarcerated individuals' fund or money which is  
12 earned by an [~~inmate~~] incarcerated individual in a work release program.  
13 For purposes of this subdivision, the term "~~inmates~~] incarcerated  
14 individuals' fund" shall mean moneys in the possession of an [~~inmate~~]  
15 incarcerated individual at the time of his or her admission into such  
16 facility, funds earned by him or her as provided for in section one  
17 hundred eighty-seven of the correction law and any other funds received  
18 by him or her or on his or her behalf and deposited with such super-  
19 intendent or municipal official.

20 § 104. Paragraph (d) of subdivision 1 of section 70.20 of the penal  
21 law, as amended by section 124 of subpart B of part C of chapter 62 of  
22 the laws of 2011, is amended to read as follows:

23 (d) Nothing in this subdivision shall preclude a parent or legal guar-  
24 dian of an [~~inmate~~] incarcerated individual who is not yet eighteen  
25 years of age from making a motion on notice to the department of  
26 corrections and community supervision pursuant to article twenty-two of  
27 the civil practice law and rules and section one hundred forty of the  
28 correction law, objecting to routine medical, dental or mental health  
29 services and treatment being provided to such [~~inmate~~] incarcerated  
30 individual under the provisions of paragraph (b) of this subdivision.

31 § 104-a. Paragraph (d) of subdivision 1 of section 70.20 of the penal  
32 law, as amended by section 125 of subpart B of part C of chapter 62 of  
33 the laws of 2011, is amended to read as follows:

34 (d) Nothing in this subdivision shall preclude a parent or legal guar-  
35 dian of an [~~inmate~~] incarcerated individual who is not yet eighteen  
36 years of age from making a motion on notice to the department of  
37 corrections and community supervision pursuant to article twenty-two of  
38 the civil practice law and rules and section one hundred forty of the  
39 correction law, objecting to routine medical, dental or mental health  
40 services and treatment being provided to such [~~inmate~~] incarcerated  
41 individual under the provisions of paragraph (b) of this subdivision.

42 § 105. Paragraphs (e) and (f) of subdivision 3 of section 130.05 of  
43 the penal law, paragraph (e) as amended by chapter 205 of the laws of  
44 2011 and paragraph (f) as amended by section 127-q of subpart B of part  
45 C of chapter 62 of the laws of 2011, are amended to read as follows:

46 (e) committed to the care and custody or supervision of the state  
47 department of corrections and community supervision or a hospital, as  
48 such term is defined in subdivision two of section four hundred of the  
49 correction law, and the actor is an employee who knows or reasonably  
50 should know that such person is committed to the care and custody or  
51 supervision of such department or hospital. For purposes of this para-  
52 graph, "employee" means (i) an employee of the state department of  
53 corrections and community supervision who, as part of his or her employ-  
54 ment, performs duties: (A) in a state correctional facility in which the  
55 victim is confined at the time of the offense consisting of providing  
56 custody, medical or mental health services, counseling services, educa-

1 tional programs, vocational training, institutional parole services or  
2 direct supervision to [~~inmates~~] incarcerated individuals; or

3 (B) of supervising persons released on community supervision and  
4 supervises the victim at the time of the offense or has supervised the  
5 victim and the victim is still under community supervision at the time  
6 of the offense; or

7 (ii) an employee of the office of mental health who, as part of his or  
8 her employment, performs duties in a state correctional facility or  
9 hospital, as such term is defined in subdivision two of section four  
10 hundred of the correction law in which the [~~inmate~~] incarcerated indi-  
11 vidual is confined at the time of the offense, consisting of providing  
12 custody, medical or mental health services, or direct supervision to  
13 such [~~inmates~~] incarcerated individuals; or

14 (iii) a person, including a volunteer, providing direct services to  
15 [~~inmates~~] incarcerated individuals in a state correctional facility in  
16 which the victim is confined at the time of the offense pursuant to a  
17 contractual arrangement with the state department of corrections and  
18 community supervision or, in the case of a volunteer, a written agree-  
19 ment with such department, provided that the person received written  
20 notice concerning the provisions of this paragraph; or

21 (f) committed to the care and custody of a local correctional facili-  
22 ty, as such term is defined in subdivision two of section forty of the  
23 correction law, and the actor is an employee, not married to such  
24 person, who knows or reasonably should know that such person is commit-  
25 ted to the care and custody of such facility. For purposes of this para-  
26 graph, "employee" means an employee of the local correctional facility  
27 where the person is committed who performs professional duties consist-  
28 ing of providing custody, medical or mental health services, counseling  
29 services, educational services, or vocational training for [~~inmates~~]  
30 incarcerated individuals. For purposes of this paragraph, "employee"  
31 shall also mean a person, including a volunteer or a government employee  
32 of the state department of corrections and community supervision or a  
33 local health, education or probation agency, providing direct services  
34 to [~~inmates~~] incarcerated individuals in the local correctional facility  
35 in which the victim is confined at the time of the offense pursuant to a  
36 contractual arrangement with the local correctional department or, in  
37 the case of such a volunteer or government employee, a written agreement  
38 with such department, provided that such person received written notice  
39 concerning the provisions of this paragraph; or

40 § 106. Section 240.32 of the penal law, as amended by section 127-p of  
41 the subpart B of part C of chapter 62 of the laws of 2011, the opening  
42 paragraph as amended by chapter 180 of the laws of 2013, is amended to  
43 read as follows:

44 § 240.32 Aggravated harassment of an employee by an [~~inmate~~] incarcerat-  
45 ed individual.

46 An [~~inmate~~] incarcerated individual or respondent is guilty of aggra-  
47 vated harassment of an employee by an [~~inmate~~] incarcerated individual  
48 when, with intent to harass, annoy, threaten or alarm a person in a  
49 facility whom he or she knows or reasonably should know to be an employ-  
50 ee of such facility or the board of parole or the office of mental  
51 health, or a probation department, bureau or unit or a police officer,  
52 he or she causes or attempts to cause such employee to come into contact  
53 with blood, seminal fluid, urine, feces, or the contents of a toilet  
54 bowl, by throwing, tossing or expelling such fluid or material.

55 For purposes of this section, [~~"inmate"~~] "incarcerated individual"  
56 means an [~~inmate~~] incarcerated individual or detainee in a correctional

1 facility, local correctional facility or a hospital, as such term is  
2 defined in subdivision two of section four hundred of the correction  
3 law. For purposes of this section, "respondent" means a juvenile in a  
4 secure facility operated and maintained by the office of children and  
5 family services who is placed with or committed to the office of chil-  
6 dren and family services. For purposes of this section, "facility" means  
7 a correctional facility or local correctional facility, hospital, as  
8 such term is defined in subdivision two of section four hundred of the  
9 correction law, or a secure facility operated and maintained by the  
10 office of children and family services.

11 Aggravated harassment of an employee by an [~~inmate~~] incarcerated indi-  
12 vidual is a class E felony.

13 § 107. Subdivisions 8, 17, 18, 19, 21, 23, 24, 26, 27, 28, 29 and 30  
14 of section 2 of the correction law, subdivision 8 as amended by chapter  
15 567 of the laws of 1972, subdivision 17 as added by chapter 338 of the  
16 laws of 1989, subdivision 18 as amended by section 1-a of subpart A of  
17 part C of chapter 62 of the laws of 2011, subdivision 19 as amended by  
18 chapter 63 of the laws of 1994, subdivisions 21, 23, 24, 26, 27, 28, 29  
19 and 30 as added by chapter 1 of the laws of 2008, are amended to read as  
20 follows:

21 8. "Correctional Camp". A correctional facility consisting of a camp  
22 maintained for the purpose of including conservation work in the program  
23 of [~~inmates~~] incarcerated individuals.

24 17. "Alcohol and substance abuse treatment facility." A correctional  
25 facility designed to house medium security [~~inmates~~] incarcerated indi-  
26 viduals as defined by department rules and regulations and operated for  
27 the purpose of providing intensive alcohol and substance abuse treatment  
28 services. Such services shall ensure comprehensive treatment for alco-  
29 holism and substance abuse to [~~inmates~~] incarcerated individuals who  
30 have been identified by the commissioner or his or her designee as  
31 having had or presently having a history of alcoholism or substance  
32 abuse. Such services shall be provided in the facility in accordance  
33 with minimum standards promulgated by the department after consultation  
34 with the [~~division~~] office of alcoholism and [~~alcohol abuse and the~~  
35 ~~division of~~] substance abuse services.

36 18. "Alcohol and substance abuse treatment correctional annex." A  
37 medium security correctional facility consisting of one or more residen-  
38 tial dormitories, which provide intensive alcohol and substance abuse  
39 treatment services to [~~inmates~~] incarcerated individuals who: (i) are  
40 otherwise eligible for temporary release, or (ii) stand convicted of a  
41 felony defined in article two hundred twenty or two hundred twenty-one  
42 of the penal law, and are within six months of being an eligible  
43 [~~inmate~~] incarcerated individual as that term is defined in subdivision  
44 two of section eight hundred fifty-one of this chapter including such  
45 [~~inmates~~] incarcerated individuals who are participating in such program  
46 pursuant to subdivision six of section 60.04 of the penal law. Notwith-  
47 standing the foregoing provisions of this subdivision, any [~~inmate~~]  
48 incarcerated individual to be enrolled in this program pursuant to  
49 subdivision six of section 60.04 of the penal law shall be governed by  
50 the same rules and regulations promulgated by the department, including  
51 without limitation those rules and regulations establishing requirements  
52 for completion and those rules and regulations governing discipline and  
53 removal from the program. No such period of court ordered corrections  
54 based drug abuse treatment pursuant to this subdivision shall be  
55 required to extend beyond the defendant's conditional release date. Such  
56 treatment services may be provided by one or more outside service

1 providers pursuant to contractual agreements with the department,  
2 provided, however, that any such provider shall be required to continue  
3 to provide, either directly or through formal or informal agreement with  
4 other providers, alcohol and substance abuse treatment services to  
5 [~~inmates~~] incarcerated individuals who have successfully participated in  
6 such provider's incarcerative treatment services and who have been  
7 presumptively released, paroled, conditionally released or released to  
8 post release supervision under the supervision of the department and who  
9 are, as a condition of such release, required to participate in alcohol  
10 or substance abuse treatment. Such incarcerative services shall be  
11 provided in the facility in accordance with minimum standards promulgat-  
12 ed by the department after consultation with the office of alcoholism  
13 and substance abuse services. Such services to parolees shall be  
14 provided in accordance with standards promulgated by the department  
15 after consultation with the office of alcoholism and substance abuse  
16 services. Notwithstanding any other provision of law, any person who has  
17 successfully completed no less than six months of intensive alcohol and  
18 substance abuse treatment services in one of the department's eight  
19 designated alcohol and substance abuse treatment correctional annexes  
20 having a combined total capacity of two thousand five hundred fifty beds  
21 may be transferred to a program operated by or at a residential treat-  
22 ment facility, provided however, that a person under a determinate  
23 sentence as a second felony drug offender for a class B felony offense  
24 defined in article two hundred twenty of the penal law, who was  
25 sentenced pursuant to section 70.70 of such law, shall not be eligible  
26 to be transferred to a program operated at a residential treatment  
27 facility until the time served under imprisonment for his or her deter-  
28 minate sentence, including any jail time credited pursuant to subdivi-  
29 sion three of section 70.30 of the penal law, shall be at least nine  
30 months. The commissioner shall report annually to the temporary presi-  
31 dent of the senate and the speaker of the assembly commencing January  
32 first, two thousand twelve the number of [~~inmates~~] incarcerated individ-  
33 uals received by the department during the reporting period who are  
34 subject to a sentence which includes enrollment in substance abuse  
35 treatment in accordance with subdivision six of section 60.04 of the  
36 penal law, the number of such [~~inmates~~] incarcerated individuals who are  
37 not placed in such treatment program and the reasons for such occur-  
38 rences.

39 19. "Vocational and skills training facility" means a correctional  
40 facility designated by the commissioner to provide a vocational and  
41 skills training program ("VAST") to [~~inmates~~] incarcerated individuals  
42 who need such service before they participate in a work release program.  
43 The VAST facility shall provide intensive assessment, counseling, job  
44 search assistance and where appropriate academic and vocational instruc-  
45 tion to program participants. Such assistance may include an assessment  
46 of any [~~inmate's~~] incarcerated individual's education attainment level  
47 and skills aptitudes; career counseling and exploration; the development  
48 of a comprehensive instructional plan including identification of educa-  
49 tional and training needs that may extend beyond the date of entry into  
50 work release; instructional programs including GED preparation or post-  
51 secondary instruction as appropriate; occupational skills training; life  
52 skills training; employment readiness including workplace behavior; and  
53 job search assistance. The department and the department of labor shall  
54 jointly develop activities providing career counseling, job search  
55 assistance, and job placement services for participants. Nothing  
56 contained in this section shall be deemed to modify the eligibility

1 requirements provided by law applicable to [~~inmates~~] incarcerated indi-  
2 viduals participating in a work release program.

3 21. "Residential mental health treatment unit" means housing for  
4 [~~inmates~~] incarcerated individuals with serious mental illness that is  
5 operated jointly by the department and the office of mental health and  
6 is therapeutic in nature. Such units shall not be operated as discipli-  
7 nary housing units, and decisions about treatment and conditions of  
8 confinement shall be made based upon a clinical assessment of the thera-  
9 peutic needs of the [~~inmate~~] incarcerated individual and maintenance of  
10 adequate safety and security on the unit. Such units shall include, but  
11 not be limited to, the residential mental health unit model, the behav-  
12 ioral health unit model, the intermediate care program and the intensive  
13 intermediate care program. The models shall be defined in regulations  
14 promulgated by the department in consultation with the commissioner of  
15 mental health consistent with this subdivision and section four hundred  
16 one of this chapter. [~~Inmates~~] Incarcerated individuals placed in a  
17 residential mental health treatment unit shall be offered at least four  
18 hours a day of structured out-of-cell therapeutic programming and/or  
19 mental health treatment, except on weekends or holidays, in addition to  
20 exercise, and may be provided with additional out-of-cell activities as  
21 are consistent with their mental health needs; provided, however, that  
22 the department may maintain no more than thirty-eight behavioral health  
23 unit beds in which the number of hours of out-of-cell structured thera-  
24 peutic programming and/or mental health treatment offered to [~~inmates~~]  
25 incarcerated individuals on a daily basis, except on weekends or holi-  
26 days, may be limited to only two hours. Out-of-cell therapeutic program-  
27 ming and/or mental health treatment need not be provided to an [~~inmate~~]  
28 incarcerated individual for a brief orientation period following his or  
29 her arrival at a residential mental health treatment unit. The length of  
30 such orientation period shall be determined by a mental health clinician  
31 but in no event shall be longer than five business days.

32 23. "Segregated confinement" means the disciplinary confinement of an  
33 [~~inmate~~] incarcerated individual in a special housing unit or in a sepa-  
34 rate keeplock housing unit. Special housing units and separate keeplock  
35 units are housing units that consist of cells grouped so as to provide  
36 separation from the general population, and may be used to house  
37 [~~inmates~~] incarcerated individuals confined pursuant to the disciplinary  
38 procedures described in regulations.

39 24. "Joint case management committee" means a committee composed of  
40 staff from the department and the office of mental health. Such a  
41 committee shall be established at each level one and level two facility.  
42 Each committee shall consist of at least two clinical staff of the  
43 office of mental health and two officials of the department. The purpose  
44 of such committee shall be to review, monitor and coordinate the behav-  
45 ior and treatment plan of any [~~inmate~~] incarcerated individual who is  
46 placed in segregated confinement or a residential mental health treat-  
47 ment unit and who is receiving services from the office of mental  
48 health.

49 26. "Treatment team" means a team consisting of an equal number of  
50 individuals from the department and the office of mental health who are  
51 assigned to a residential mental health treatment unit and who will  
52 review and determine each [~~inmate's~~] incarcerated individual's appropri-  
53 ateness for movement through the various program phases, when applica-  
54 ble. The treatment team shall also review, monitor and coordinate the  
55 treatment plans for all [~~inmate~~] incarcerated individual participants.

1 27. "Level one facility" means a correctional facility at which staff  
2 from the office of mental health are assigned on a full-time basis and  
3 able to provide treatment to [~~inmates~~] incarcerated individuals with a  
4 major mental disorder. The array of available specialized services  
5 include: residential crisis treatment, residential day treatment, medi-  
6 cation monitoring by psychiatric nursing staff, and potential commitment  
7 to the central New York Psychiatric Center.

8 28. "Level two facility" means a correctional facility at which staff  
9 from the office of mental health are assigned on a full-time basis and  
10 able to provide treatment to [~~inmates~~] incarcerated individuals with a  
11 major mental disorder, but such disorder is not as acute as that of  
12 [~~inmates~~] incarcerated individuals who require placement at a level one  
13 facility.

14 29. "Level three facility" means a correctional facility at which  
15 staff from the office of mental health are assigned on a part-time basis  
16 and able to provide treatment and medication to [~~inmates~~] incarcerated  
17 individuals who either have a moderate mental disorder, or who are in  
18 remission from a disorder, and who are determined by staff of the office  
19 of mental health to be able to function adequately in the facility with  
20 such level of staffing.

21 30. "Level four facility" means a correctional facility at which staff  
22 from the office of mental health are assigned on a part-time basis and  
23 able to provide treatment to [~~inmates~~] incarcerated individuals who may  
24 require limited intervention, excluding psychiatric medications.

25 § 107-a. Subdivision 18 of section 2 of the correction law, as amended  
26 by section 2 of subpart A of part C of chapter 62 of the laws of 2011,  
27 is amended to read as follows:

28 18. "Alcohol and substance abuse treatment correctional annex." A  
29 medium security correctional facility consisting of one or more residen-  
30 tial dormitories which provide intensive alcohol and substance abuse  
31 treatment services to [~~inmates~~] incarcerated individuals who: (i) are  
32 otherwise eligible for temporary release, or (ii) stand convicted of a  
33 felony defined in article two hundred twenty or two hundred twenty-one  
34 of the penal law, and are within six months of being an eligible  
35 [~~inmate~~] incarcerated individual as that term is defined in subdivision  
36 two of section eight hundred fifty-one of this chapter including such  
37 [~~inmates~~] incarcerated individuals who are participating in such program  
38 pursuant to subdivision six of section 60.04 of the penal law. Notwith-  
39 standing the foregoing provisions of this subdivision, any [~~inmate~~]  
40 incarcerated individual to be enrolled in this program pursuant to  
41 subdivision six of section 60.04 of the penal law shall be governed by  
42 the same rules and regulations promulgated by the department, including  
43 without limitation those rules and regulations establishing requirements  
44 for completion and those rules and regulations governing discipline and  
45 removal from the program. No such period of court ordered corrections  
46 based drug abuse treatment pursuant to this subdivision shall be  
47 required to extend beyond the defendant's conditional release date. Such  
48 treatment services may be provided by one or more outside service  
49 providers pursuant to contractual agreements with the department,  
50 provided, however, that any such provider shall be required to continue  
51 to provide, either directly or through formal or informal agreement with  
52 other providers, alcohol and substance abuse treatment services to  
53 [~~inmates~~] incarcerated individuals who have successfully participated in  
54 such provider's incarcerative treatment services and who have been  
55 presumptively released, paroled, conditionally released or released to  
56 post release supervision under the supervision of the department and who



1 are, as a condition of such release, required to participate in alcohol  
2 or substance abuse treatment. Such incarcerative services shall be  
3 provided in the facility in accordance with minimum standards promulgat-  
4 ed by the department after consultation with the office of alcoholism  
5 and substance abuse services. Such services to parolees shall be  
6 provided in accordance with standards promulgated by the department  
7 after consultation with the office of alcoholism and substance abuse  
8 services. The commissioner shall report annually to the majority leader  
9 of the senate and the speaker of the assembly commencing January first,  
10 two thousand twelve the number of [~~inmates~~] incarcerated individuals  
11 received by the department during the reporting period who are subject  
12 to a sentence which includes enrollment in substance abuse treatment in  
13 accordance with subdivision six of section 60.04 of the penal law, the  
14 number of such [~~inmates~~] incarcerated individuals who are not placed in  
15 such treatment program and the reasons for such occurrences.

16 § 108. The section heading of section 9 of the correction law, as  
17 added by section 2 of part 00 of chapter 56 of the laws of 2010, is  
18 amended to read as follows:

19 Access to [~~inmate~~] information of incarcerated individuals via the  
20 internet.

21 § 109. Subdivision 1 of section 10 of the correction law, as added by  
22 section 8 of subpart A of part C of chapter 62 of the laws of 2011, is  
23 amended to read as follows:

24 1. Employees in the department who perform the duties of supervising  
25 [~~inmates~~] incarcerated individuals released on community supervision  
26 shall be parole officers.

27 § 110. Section 15-c of the correction law, as added by chapter 647 of  
28 the laws of 1966, is amended to read as follows:

29 § 15-c. Acceptance of grants or gifts. The commissioner, with the  
30 approval of the governor, may accept as agent of the state any grant,  
31 including federal grants, or any gift for any of the purposes of this  
32 article. Any moneys so received may be expended by the department to  
33 develop and promote programs for the study and treatment of crime and  
34 delinquency, education and training of [~~inmates~~] incarcerated individ-  
35 uals, staff improvement, research and evaluation, improvement of facili-  
36 ties, or any other lawful purpose, subject to the same limitations as to  
37 approval of expenditures and audit as are prescribed for state moneys  
38 appropriated for the purpose of this article.

39 § 111. Section 16 of the correction law, as amended by chapter 447 of  
40 the laws of 2016, is amended to read as follows:

41 § 16. Expense of autopsy; state charge. 1. The reasonable expense of  
42 any inquiry, autopsy, examination or report prepared thereon conducted  
43 by a coroner, coroner's physician or medical examiner as required by law  
44 with respect to any death occurring to an [~~inmate~~] incarcerated individ-  
45 ual of an institution operated by the department shall, to the extent  
46 not otherwise reimbursed by the state, be a state charge. Reimbursement  
47 of such expense shall be made on vouchers submitted annually and certi-  
48 fied by the chief fiscal officer of the county or city as the case may  
49 be on the audit and warrant of the comptroller.

50 2. The department shall acquire a preliminary or final death certifi-  
51 cate for such [~~inmate~~] incarcerated individual from a coroner,  
52 coroner's physician or medical examiner and forward such original death  
53 certificate to the next of kin.

54 § 112. Subdivision 1 of section 18 of the correction law, as amended  
55 by section 10 of subpart A of part C of chapter 62 of the laws of 2011,  
56 is amended to read as follows:

1 1. Each correctional facility shall have a superintendent who shall be  
 2 appointed by the commissioner. Each such superintendent shall be in the  
 3 non-competitive-confidential class but shall be appointed from employees  
 4 of the department who have at least three years of experience in correc-  
 5 tional work in the department and (i) who have a permanent civil service  
 6 appointment of salary grade twenty-seven or higher or who have a salary  
 7 equivalent to a salary grade of twenty-seven or higher for correctional  
 8 facilities with an [~~inmate~~] incarcerated individual population capacity  
 9 of four hundred or more [~~inmates~~] incarcerated individuals, or (ii) who  
 10 have a permanent civil service appointment of salary grade twenty-three  
 11 or higher or who have a salary equivalent to a salary grade of twenty-  
 12 three or higher for correctional facilities with an [~~inmate~~] incarcerat-  
 13 ed individual population capacity of fewer than four hundred [~~inmates~~]  
 14 incarcerated individuals; provided that for correctional facilities of  
 15 either capacity, the employee shall be appointed superintendent at the  
 16 hiring rate set forth in section nineteen of this article or such other  
 17 rate as may be appropriate, subject to the approval of the director of  
 18 the budget; provided that in no event shall the salary upon appointment  
 19 exceed the job rate. Such superintendents shall serve at the pleasure of  
 20 the commissioner and shall have such other qualifications as may be  
 21 prescribed by the commissioner, based on differences in duties, levels  
 22 of responsibility, size and character of the correctional facility,  
 23 knowledge, skills and abilities required, and other factors affecting  
 24 the position.

25 § 113. Paragraphs a and b of subdivision 1 of section 19 of the  
 26 correction law, as amended by section 2 of part D of chapter 24 of the  
 27 laws of 2019, are amended to read as follows:

28 a. The salary schedule for superintendents of a correctional facility  
 29 with an [~~inmate~~] incarcerated individual population capacity of four  
 30 hundred or more [~~inmates~~] incarcerated individuals shall be as follows:

31 Effective April first, two thousand sixteen:

32 Hiring Rate	Job Rate
33 \$116,937	\$159,580

34 Effective April first, two thousand seventeen:

35 Hiring Rate	Job Rate
36 \$121,661	\$166,027

37 Effective April first, two thousand eighteen:

38 Hiring Rate	Job Rate
39 \$125,335	\$171,041

40 Effective April first, two thousand nineteen:

41 Hiring Rate	Job Rate
42 \$127,842	\$174,462

43 Effective April first, two thousand twenty:

44 Hiring Rate	Job Rate
45 \$130,399	\$177,951

46 b. The salary schedule for superintendents of correctional facilities  
 47 with an [~~inmate~~] incarcerated individual population capacity of fewer  
 48 than four hundred [~~inmates~~] incarcerated individuals shall be as  
 49 follows:

50 Effective April first, two thousand sixteen:

51 Hiring Rate	Job Rate
52 \$90,935	\$114,914

53 Effective April first, two thousand seventeen:

54 Hiring Rate	Job Rate
55 \$94,609	\$119,557

56 Effective April first, two thousand eighteen:

1	Hiring Rate	Job Rate
2	\$97,466	\$123,168
3	Effective April first, two thousand nineteen:	
4	Hiring Rate	Job Rate
5	\$99,415	\$125,631
6	Effective April first, two thousand twenty:	
7	Hiring Rate	Job Rate
8	\$101,403	\$128,144

9 § 114. Subdivision 2 of section 22 of the correction law, as amended  
10 by chapter 829 of the laws of 1975, is amended to read as follows:

11 2. Accepts a present from a contractor or contractor's agent, directly  
12 or indirectly, or employs the labor of an [~~inmate~~] incarcerated individ-  
13 ual or another person employed in such institution on any work for the  
14 private benefit of such commissioner, superintendent, officer or employ-  
15 ee, is guilty of a misdemeanor.

16 § 115. Section 23 of the correction law, as amended by section 5 of  
17 subpart B of part C of chapter 62 of the laws of 2011, subdivision 1 as  
18 amended by chapter 254 of the laws of 2017, is amended to read as  
19 follows:

20 § 23. Transfer of [~~inmates~~] incarcerated individuals from one correc-  
21 tional facility to another; treatment in outside hospitals. 1. The  
22 commissioner shall have the power to transfer [~~inmates~~] incarcerated  
23 individuals from one correctional facility to another. Whenever the  
24 transfer of [~~inmates~~] incarcerated individuals from one correctional  
25 facility to another shall be ordered by the commissioner, the super-  
26 intendent of the facility from which the [~~inmates~~] incarcerated individ-  
27 uals are transferred shall take immediate steps to make the transfer.  
28 The transfer shall be in accordance with rules and regulations promul-  
29 gated by the department for the safe delivery of such [~~inmates~~] incar-  
30 cerated individuals to the designated facility. Within twenty-four hours  
31 of arriving at the facility to which an [~~inmate~~] incarcerated individual  
32 is transferred, he or she shall be allowed to make at least one personal  
33 phone call, except when to do so would create an unacceptable risk to  
34 the safety and security of [~~inmates~~] incarcerated individuals or staff.  
35 If security precautions prevent the [~~inmate~~] incarcerated individual  
36 from making such call, a staff member designated by the superintendent  
37 of the facility shall make a call to a person of the [~~inmate's~~] incar-  
38 cerated individual's choice unless the [~~inmate~~] incarcerated individual  
39 declines to have such a call made.

40 2. The commissioner, in his or her discretion, may by written order  
41 permit [~~inmates~~] incarcerated individuals to receive medical diagnosis  
42 and treatment in outside hospitals, upon the recommendation of the  
43 superintendent or director that such outside treatment or diagnosis is  
44 necessary by reason of inadequate facilities within the institution.  
45 Such [~~inmates~~] incarcerated individuals shall remain under the jurisdic-  
46 tion and in the custody of the department while in said outside hospital  
47 and said superintendent or director shall enforce proper measures in  
48 each case to safely maintain such jurisdiction and custody.

49 3. The cost of transporting [~~inmates~~] incarcerated individuals between  
50 facilities and to outside hospitals shall be paid from funds appropri-  
51 ated to the department for such purpose.

52 § 116. Section 24-a of the correction law, as amended by chapter 481  
53 of the laws of 1992, is amended to read as follows:

54 § 24-a. Actions against persons rendering health care services at the  
55 request of the department; defense and indemnification. The provisions  
56 of section seventeen of the public officers law shall apply to any

1 person holding a license to practice a profession pursuant to article  
2 one hundred thirty-one, one hundred thirty-one-B, one hundred thirty-  
3 two, one hundred thirty-three, one hundred thirty-six, one hundred thir-  
4 ty-seven, one hundred thirty-nine, one hundred forty-one, one hundred  
5 forty-three, one hundred fifty-six or one hundred fifty-nine of the  
6 education law, who is rendering or has rendered professional services  
7 authorized under such license while acting at the request of the depart-  
8 ment or a facility of the department in providing health care and treat-  
9 ment or professional consultation to [~~inmates~~] incarcerated individuals  
10 of state correctional facilities, or to the infant children of [~~inmates~~]  
11 incarcerated individuals while such infants are cared for in facility  
12 nurseries pursuant to section six hundred eleven of this chapter, with-  
13 out regard to whether such health care and treatment or professional  
14 consultation is provided within or without a correctional facility.

15 § 117. Section 25 of the correction law, as amended by chapter 476 of  
16 the laws of 2018, is amended to read as follows:

17 § 25. Mutual assistance by institutional and local fire fighting  
18 facilities. In cooperation with the development and operation of plans  
19 for mutual aid in cases of fire and other public emergencies, the warden  
20 or superintendent of any state institution in the department, with the  
21 approval of the commissioner, may authorize the fire department of the  
22 institution to furnish aid to such territory surrounding the institution  
23 as may be practical in cases of fire and such emergencies, having due  
24 regard to the safety of the [~~inmates~~] incarcerated individuals and prop-  
25 erty of the institution and to engage in practice and training programs  
26 in connection with the development and operation of such mutual aid  
27 plans. Any lawfully organized fire-fighting forces or firefighters from  
28 such surrounding territory may enter upon the grounds of the institution  
29 to furnish aid in cases of fire and such emergencies.

30 § 118. Section 26 of the correction law, as amended by chapter 487 of  
31 the laws of 1994, is amended to read as follows:

32 § 26. Establishment of commissaries or canteens in correctional insti-  
33 tutions. The commissioner may authorize the head of any institution in  
34 the department to establish a commissary or a canteen in such institu-  
35 tion for the use and benefit of [~~inmates~~] incarcerated individuals. The  
36 moneys received by the head of the institution as profits from the sales  
37 of the commissary or canteen shall be deposited in a special fund to be  
38 known as the commissary or canteen fund and such funds shall be used for  
39 the general purposes of the institution subject to the provisions of  
40 section fifty-three of the state finance law.

41 § 119. Subdivisions 1 and 4 of section 29 of the correction law,  
42 subdivision 1 as amended by chapter 485 of the laws of 2019 and subdivi-  
43 sion 4 as amended by section 1 of part U of chapter 55 of the laws of  
44 2012, are amended to read as follows:

45 1. The department shall continue to collect, maintain, and analyze  
46 statistical and other information and data with respect to persons  
47 subject to the jurisdiction of the department, including but not limited  
48 to: (a) the number of such persons: placed in the custody of the depart-  
49 ment, assigned to a specific department program, accorded community  
50 supervision and declared delinquent, recommitted to a state correctional  
51 institution upon revocation of community supervision, or discharged upon  
52 maximum expiration of sentence; (b) the criminal history of such  
53 persons; (c) the social, educational, and vocational circumstances of  
54 any such persons; (d) the institutional and community supervision  
55 programs and the behavior of such persons; and, (e) the military back-  
56 ground and circumstances, if such person served in the United States

1 armed forces. Provided, however, in the event any statistical informa-  
2 tion on the ethnic background of the [~~inmate~~] incarcerated individual  
3 population of a correctional facility or facilities is collected by the  
4 department, such statistical information shall contain, but not be  
5 limited to, the following ethnic categories: (i) Caucasian; (ii) Asian;  
6 (iii) American Indian; (iv) Afro-American/Black; and (v) Spanish  
7 speaking/Hispanic which category shall include, but not be limited to,  
8 the following subcategories consisting of: (1) Puerto Ricans; (2)  
9 Cubans; (3) Dominicans; and (4) other Hispanic nationalities.

10 4. (a) The commissioner shall provide an annual report to the legisla-  
11 ture on the staffing of correction officers and correction sergeants in  
12 state correctional facilities. Such report shall include, but not be  
13 limited to the following factors: the number of security posts on the  
14 current plot plan for each facility that have been closed on a daily  
15 basis, by correctional facility security classification (minimum, medium  
16 and maximum); the number of security positions eliminated by correction-  
17 al facility since two thousand compared to the number of [~~inmates~~]  
18 incarcerated individuals incarcerated in each such facility; a breakdown  
19 by correctional facility security classification (minimum, medium, and  
20 maximum) of the staff hours of overtime worked, by year since two thou-  
21 sand and the annual aggregate costs related to this overtime. In addi-  
22 tion, such report shall be delineated by correctional facility security  
23 classification, the annual number of security positions eliminated, the  
24 number of closed posts and amount of staff hours of overtime accrued as  
25 well as the overall overtime expenditures that resulted. Such report  
26 shall be provided to the chairs of the senate finance, assembly ways and  
27 means, senate crime and corrections and assembly correction committees,  
28 and posted on the department's website, annually by February first.

29 (b) Such report shall also include but not be limited to: the total  
30 number of correctional facilities in operation which are maintained by  
31 the department, the security level of each facility, the number of beds  
32 at each facility as of December thirty-first of the prior year, as clas-  
33 sified by the department, and the number of empty beds, if any, by such  
34 classification as of such date.

35 § 120. Paragraph 1 of subdivision (a) of section 42 of the correction  
36 law, as amended by chapter 490 of the laws of 2019, is amended to read  
37 as follows:

38 1. There shall be within the commission a citizen's policy and  
39 complaint review council. It shall consist of nine persons to be  
40 appointed by the governor, by and with the advice and consent of the  
41 senate. One person so appointed shall have served in the armed forces of  
42 the United States in any foreign war, conflict or military occupation,  
43 who (i) was discharged therefrom under other than dishonorable condi-  
44 tions, or (ii) has a qualifying condition, as defined in section three  
45 hundred fifty of the executive law, and has received a discharge other  
46 than bad conduct or dishonorable from such service, or (iii) is a  
47 discharged LGBT veteran, as defined in section three hundred fifty of  
48 the executive law, and has received a discharge other than bad conduct  
49 or dishonorable from such service, or shall be a duly licensed mental  
50 health professional who has professional experience or training with  
51 regard to post-traumatic stress syndrome. One person so appointed shall  
52 be an attorney admitted to practice in this state. One person so  
53 appointed shall be a former [~~inmate~~] incarcerated individual of a  
54 correctional facility. One person so appointed shall be a former  
55 correction officer. One person so appointed shall be a former resident  
56 of a division for youth secure center or a health care professional duly

1 licensed to practice in this state. One person so appointed shall be a  
2 former employee of the office of children and family services who has  
3 directly supervised youth in a secure residential center operated by  
4 such office. In addition, the governor shall designate one of the full-  
5 time members other than the chairman of the commission as chairman of  
6 the council to serve as such at the pleasure of the governor.

7 § 121. Subdivisions 3, 4, 5, 7, 10 and 17 of section 45 of the  
8 correction law, subdivision 3 as amended by section 1 of part Q of chap-  
9 ter 56 of the laws of 2009, subdivision 4 as amended by section 15 of  
10 subpart A of part C of chapter 62 of the laws of 2011, subdivisions 5  
11 and 7 as added by chapter 865 of the laws of 1975, subdivision 10 as  
12 amended by section 7 of part Q of chapter 56 of the laws of 2009 and  
13 subdivision 17 as added by chapter 573 of the laws of 2011, are amended  
14 to read as follows:

15 3. Except in circumstances involving health, safety or alleged  
16 violations of established standards of the commission, visit, and  
17 inspect correctional facilities consistent with a schedule determined by  
18 the chairman of the commission, taking into consideration available  
19 resources, workload and staffing, and appraise the management of such  
20 correctional facilities with specific attention to matters such as safe-  
21 ty, security, health of [~~inmates~~] incarcerated individuals, sanitary  
22 conditions, rehabilitative programs, disturbance and fire prevention and  
23 control preparedness, and adherence to laws and regulations governing  
24 the rights of [~~inmates~~] incarcerated individuals.

25 4. Establish procedures to assure effective investigation of griev-  
26 ances of, and conditions affecting, [~~inmates~~] incarcerated individuals  
27 of local correctional facilities. Such procedures shall include but not  
28 be limited to receipt of written complaints, interviews of persons, and  
29 on-site monitoring of conditions. In addition, the commission shall  
30 establish procedures for the speedy and impartial review of grievances  
31 referred to it by the commissioner of the department of corrections and  
32 community supervision.

33 5. Ascertain and recommend such system of employing [~~inmates~~] incar-  
34 cerated individuals of correctional facilities as may, in the opinion of  
35 said commission, be for the best interest of the public and of said  
36 [~~inmates~~] incarcerated individuals and not in conflict with the  
37 provisions of the constitution or laws of the state relating to the  
38 employment of [~~inmates~~] incarcerated individuals.

39 7. Place such members of its staff as it deems appropriate as monitors  
40 in any local correctional facility which, in the judgment of the commis-  
41 sion, presents an imminent danger to the health, safety or security of  
42 the [~~inmates~~] incarcerated individuals or employees of such correctional  
43 facility or of the public.

44 10. Approve or reject plans and specifications for the construction or  
45 improvement of correctional facilities that directly affect the health  
46 of [~~inmates~~] incarcerated individuals and staff, safety, or security.

47 17. Make an annual report to the governor, the chairman of the assem-  
48 bly committee on correction and the chairman of the senate committee on  
49 crime victims, crime and correction concerning [~~inmates~~] incarcerated  
50 individuals confined in local correctional facilities pursuant to an  
51 agreement authorized by section five hundred-o of this chapter. Such  
52 report shall include but not be limited to the number of counties main-  
53 taining such agreements and the number of [~~inmates~~] incarcerated indi-  
54 viduals confined pursuant to such agreements.

55 § 122. Subdivisions 1, 2 and 4 of section 46 of the correction law,  
56 subdivisions 1 and 2 as amended by chapter 232 of the laws of 2012 and

1 subdivision 4 as added by chapter 865 of the laws of 1975, are amended  
2 to read as follows:

3 1. The commission, any member or any employee designated by the  
4 commission must be granted access at any and all times to any correc-  
5 tional facility or part thereof and to all books, records, [~~inmate~~]  
6 medical records of incarcerated individuals and data pertaining to any  
7 correctional facility deemed necessary for carrying out the commission's  
8 functions, powers and duties. The commission, any member or any employee  
9 designated by the chairman may require from the officers or employees of  
10 a correctional facility any information deemed necessary for the purpose  
11 of carrying out the commission's functions, powers and duties.

12 2. In the exercise of its functions, powers and duties, the commis-  
13 sion, any member, and any attorney employed by the commission is author-  
14 ized to issue and enforce a subpoena and a subpoena duces tecum, admin-  
15 ister oaths and examine persons under oath, in accordance with and  
16 pursuant to civil practice law and rules. A person examined under oath  
17 pursuant to this subdivision shall have the right to be accompanied by  
18 counsel who shall advise the person of their rights subject to reason-  
19 able limitations to prevent obstruction of, or interference with, the  
20 orderly conduct of the examination. Notwithstanding any other provision  
21 of law, a subpoena may be issued and enforced pursuant to this subdivi-  
22 sion for the medical records of an [~~inmate~~] incarcerated individual of a  
23 correctional facility, regardless of whether such medical records were  
24 made during the course of the [~~inmate's~~] incarcerated individual's  
25 incarceration.

26 4. In any case where any rule or regulation promulgated by the commis-  
27 sion pursuant to subdivision six of section forty-five of this article  
28 or the laws relating to the construction, management and affairs of any  
29 correctional facility or the care, treatment and discipline of its  
30 [~~inmates~~] incarcerated individuals, are being or are about to be  
31 violated, the commission shall notify the person in charge or control of  
32 the facility of such violation, recommend remedial action, and direct  
33 such person to comply with the rule, regulation or law, as the case may  
34 be. Upon the failure of such person to comply with the rule, regulation  
35 or law the commission may apply to the supreme court for an order  
36 directed to such person requiring compliance with such rule, regulation  
37 or law. Upon such application the court may issue such order as may be  
38 just and a failure to comply with the order of the court shall be a  
39 contempt of court and punishable as such.

40 § 123. Section 47 of the correction law, as added by chapter 865 of  
41 the laws of 1975, paragraph (d) of subdivision 1 as amended by chapter  
42 80 of the laws of 2020, paragraph (e) of subdivision 1 as amended by  
43 chapter 447 of the laws of 2016 and subdivision 2 as amended by chapter  
44 491 of the laws of 1987, is amended to read as follows:

45 § 47. Functions, powers and duties of the board. 1. The board shall  
46 have the following functions, powers and duties:

47 (a) Investigate and review the cause and circumstances surrounding the  
48 death of any [~~inmate~~] incarcerated individual of a correctional facili-  
49 ty.

50 (b) Visit and inspect any correctional facility wherein an [~~inmate~~]  
51 incarcerated individual has died.

52 (c) Cause the body of the deceased to undergo such examinations,  
53 including an autopsy, as in the opinion of the board, are necessary to  
54 determine the cause of death, irrespective of whether any such examina-  
55 tion or autopsy shall have previously been performed.

1 (d) Upon review of the cause of death and circumstances surrounding  
2 the death of any [~~inmate~~] incarcerated individual, the board shall  
3 submit its report thereon to the commission and to the governor, the  
4 chairman of the assembly committee on correction and the chairman of the  
5 senate committee on crime victims, crime and correction and, where  
6 appropriate, make recommendations to prevent the recurrence of such  
7 deaths to the commission and the administrator of the appropriate  
8 correctional facility. The report provided to the governor, the chairman  
9 of the assembly committee on correction and the chairman of the senate  
10 committee on crime victims, crime and correction shall not be redacted  
11 except as otherwise required to protect confidential medical records and  
12 behavioral health records in accordance with state and federal laws,  
13 rules, and regulations.

14 (e) (i) Investigate and report to the commission on the condition of  
15 systems for the delivery of medical care to [~~inmates~~] incarcerated indi-  
16 viduals of correctional facilities and where appropriate recommend such  
17 changes as it shall deem necessary and proper to improve the quality and  
18 availability of such medical care.

19 (ii) The board shall be responsive to inquiries from the next of kin  
20 and other person designated as a representative of any [~~inmate~~] incar-  
21 cerated individual whose death takes place during custody in a state  
22 correctional facility regarding the circumstances surrounding the death  
23 of such [~~inmate~~] incarcerated individual. Contact information for the  
24 next of kin and designated representative shall be provided by the  
25 department to the board from the emergency contact information previous-  
26 ly provided by the [~~inmate~~] incarcerated individual to the department.

27 2. Every administrator of a correctional facility shall immediately  
28 report to the board the death of an [~~inmate~~] incarcerated individual of  
29 any such facility in such manner and form as the board shall prescribe,  
30 together with an autopsy report.

31 § 124. The article heading of article 4 of the correction law, as  
32 added by chapter 476 of the laws of 1970, is amended to read as follows:  
33 ESTABLISHMENT OF CORRECTIONAL FACILITIES, COMMITMENTS TO DEPARTMENT

34 AND CUSTODY OF [~~INMATES~~] INCARCERATED INDIVIDUALS

35 § 125. Subdivision 4 of section 70 of the correction law, as added by  
36 chapter 476 of the laws of 1970, is amended to read as follows:

37 4. Two or more correctional facilities may be maintained or estab-  
38 lished in the same building or on the same premises so long as the  
39 [~~inmates~~] incarcerated individuals of each are at all times kept sepa-  
40 rate and apart from each other except that the [~~inmates~~] incarcerated  
41 individuals of one may be permitted to have contact with [~~inmates~~]  
42 incarcerated individuals of the other in order to perform duties,  
43 receive therapeutic treatment, attend religious services and engage in  
44 like activities as specifically provided in the rules and regulations of  
45 the department.

46 § 126. Subdivisions 1-a and 1-b of section 71 of the correction law,  
47 as added by chapter 547 of the laws of 1995, are amended to read as  
48 follows:

49 1-a. The commissioner shall ensure that each general confinement  
50 facility law library has information on international offender transfers  
51 sufficient to inform those persons who are citizens of a treaty nation  
52 of the existence of such treaties and of the means by which such persons  
53 may initiate a request for return to the person's country of citizenship  
54 for service of the sentence imposed. Such law libraries shall also  
55 contain the most recent annual Amnesty International Report published by  
56 Amnesty International describing the conditions of prisons in each trea-



1 ty nation and, to the extent practicable, other materials describing  
2 such prison conditions published by the United Nations, United States  
3 Department of State or human rights organizations. In addition, to the  
4 extent practicable, such law libraries shall contain information either  
5 listing each foreign country's provisions for the reduction of the terms  
6 of confinement for penal sentences as well as the availability of  
7 [~~inmate~~] incarcerated individual programs or, shall contain a list of  
8 officials in the United States Department of Justice or the embassy of  
9 the foreign country to whom an [~~inmate~~] incarcerated individual may  
10 write for information. To the extent practicable, newly received  
11 [~~inmates~~] incarcerated individuals who are identified as foreign  
12 nationals of treaty nations shall, as part of the reception process, be  
13 advised of the existence of such treaties and the possibility of the  
14 initiation of a transfer request.

15 1-b. The commissioner shall promulgate rules and regulations setting  
16 forth the procedures by which an [~~inmate~~] incarcerated individual may  
17 apply to be considered for transfer to a foreign nation. The commissioner,  
18 or his designee, shall retain sole and absolute authority to approve  
19 or disapprove an [~~inmate's~~] incarcerated individual's application for  
20 transfer. Nothing herein shall be construed to confer upon an [~~inmate~~]  
21 incarcerated individual a right to be transferred to a foreign nation.  
22 Notwithstanding any other law, rule or regulation to the contrary, no  
23 inmate application for transfer shall be processed unless the [~~inmate~~]  
24 incarcerated individual has first indicated his willingness and desire  
25 in writing, on a form prescribed by the commissioner, to be considered  
26 for transfer to the foreign nation. Such form shall also contain a copy  
27 of the [~~inmate's~~] incarcerated individual's most recent legal date  
28 computation printout indicating the term or aggregate term of the  
29 sentence originally imposed and the release dates resulting therefrom.  
30 If a request for transfer is approved by the commissioner or his designee,  
31 facility staff shall assist in the preparation and submission of  
32 all materials and forms necessary to effectuate the person's request for  
33 transfer to the United States Department of Justice for purposes of  
34 finalization of the transfer process, including verification proceedings  
35 before a United States District Court Judge, United States magistrate or  
36 other appointed United States official to assure and document the  
37 [~~inmate's~~] incarcerated individual's voluntary request for transfer.

38 § 127. Section 71-a of the correction law, as added by section 16-a of  
39 subpart A of part C of chapter 62 of the laws of 2011, is amended to  
40 read as follows:

41 § 71-a. Transitional accountability plan. Upon admission of an  
42 [~~inmate~~] incarcerated individual committed to the custody of the department  
43 under an indeterminate or determinate sentence of imprisonment, the  
44 department shall develop a transitional accountability plan. Such plan  
45 shall be a comprehensive, dynamic and individualized case management  
46 plan based on the programming and treatment needs of the [~~inmate~~] incarcerated individual.  
47 The purpose of such plan shall be to promote the rehabilitation of the [~~inmate~~] incarcerated individual  
48 and their successful and productive reentry and reintegration into society upon  
49 release. To that end, such plan shall be used to prioritize programming  
50 and treatment services for the [~~inmate~~] incarcerated individual during  
51 incarceration and any period of community supervision. The commissioner  
52 may consult with the office of mental health, the office of alcoholism  
53 and substance abuse services, the board of parole, the department of  
54 health, and other appropriate agencies in the development of transitional  
55 case management plans.  
56

1 § 128. Section 72 of the correction law, as added by chapter 476 of  
2 the laws of 1970, subdivision 2-a as amended by chapter 256 of the laws  
3 of 2010, subdivision 2-b as separately added by chapters 536 and 966 of  
4 the laws of 1974, subdivision 4 as amended by chapter 567 of the laws of  
5 1972, subdivision 5 as amended by chapter 339 of the laws of 1972,  
6 subdivision 7 as added by chapter 261 of the laws of 1987, and subdivi-  
7 sions 8 and 9 as renumbered by chapter 261 of the laws of 1987, is  
8 amended to read as follows:

9 § 72. Confinement of persons by the department. 1. Except as otherwise  
10 provided in this section, all persons committed, transferred, certified  
11 to or placed in the care or custody of the department shall be confined  
12 in institutions maintained by the department until paroled, condi-  
13 tionally released, transferred to the care of another agency or released  
14 or discharged in accordance with the law.

15 2. The commissioner, or the superintendent or director of an institu-  
16 tion in which an [~~inmate~~] incarcerated individual is confined, may  
17 permit an [~~inmate~~] incarcerated individual to be taken, under guard, to  
18 any place or for any purpose authorized by law, and the commissioner  
19 must provide for delivery of an [~~inmate~~] incarcerated individual, under  
20 guard, to any place where his presence is required pursuant to an order  
21 of a court that has authority to require his presence.

22 2-a. The commissioner, superintendent, or director of an institution  
23 in which an [~~inmate~~] incarcerated individual is confined, may permit an  
24 [~~inmate~~] incarcerated individual, wishing to do so, to leave the insti-  
25 tution under guard for the purpose of performing volunteer labor or  
26 services when in the public interest upon the threat or occurrence of a  
27 natural disaster, including but not limited to flood, earthquake, hurri-  
28 cane, landslide or fire. An [~~inmate~~] incarcerated individual may also be  
29 permitted to leave the institution under guard to voluntarily perform  
30 work for a nonprofit organization pursuant to this subdivision. As used  
31 in this subdivision, the term "nonprofit organization" means an organ-  
32 ization operated exclusively for religious, charitable, or educational  
33 purposes, no part of the net earnings of which inures to the benefit of  
34 any private shareholder or individual.

35 2-b. The commissioner, or his designee as authorized by the commis-  
36 sioner, may permit an [~~inmate~~] incarcerated individual to be taken under  
37 guard to any place to participate in an industrial training program.

38 3. The superintendent or director of an institution may permit  
39 [~~inmates~~] incarcerated individuals to leave the institution for the  
40 purpose of performing maintenance work or farm work, or any other work  
41 necessary or appropriate for the upkeep, operations or business of the  
42 institution or the department.

43 4. Any [~~inmate~~] incarcerated individual who is confined in a correc-  
44 tional facility and who is eligible for parole or who will become eligi-  
45 ble for parole within two years or who has one year or less remaining to  
46 be served under his or her sentence may be transferred by the commis-  
47 sioner to a correctional camp and may be permitted, by the superinten-  
48 dent, to leave the camp to engage in conservation or forestry work or  
49 for any purpose permitted under subdivisions two, two-a, two-b and three  
50 of this section.

51 5. An [~~inmate~~] incarcerated individual may be permitted to leave the  
52 institution to participate in a temporary release program in accordance  
53 with the provisions of article twenty-six of this chapter.

54 6. An [~~inmate~~] incarcerated individual of a residential treatment  
55 facility may be permitted to leave such facility in accordance with the  
56 provisions of section seventy-three of this article.

1 7. An [~~inmate~~] incarcerated individual of a shock incarceration  
2 correctional facility may be permitted to leave the facility to partic-  
3 ipate in programs in accordance with the provisions of article twenty-  
4 six-A of this chapter.

5 8. In any case where the decision to permit an [~~inmate~~] incarcerated  
6 individual to leave an institution is made by a person other than the  
7 commissioner or a deputy commissioner of correction such action and the  
8 manner in which it is carried out shall be in strict accordance with the  
9 rules and regulations of the department. Such rules and regulations may  
10 restrict or limit the authority of the superintendent or director in any  
11 manner deemed advisable by the commissioner.

12 9. The provisions of this section shall not be construed in such  
13 manner as to be in conflict with any provision of law that specifically  
14 provides for circumstances under which [~~inmates~~] incarcerated individ-  
15 uals may be permitted to leave institutions.

16 § 128-a. Subdivision 5 of section 72 of the correction law, as added  
17 by chapter 476 of the laws of 1970, is amended to read as follows:

18 5. An [~~inmate~~] incarcerated individual of a work release facility may  
19 be permitted to leave the facility to participate in a work release  
20 program in accordance with the provisions of article twenty-six of this  
21 chapter.

22 § 129. Section 72-a of the correction law, as amended by section 7 of  
23 subpart B of part C of chapter 62 of the laws of 2011, is amended to  
24 read as follows:

25 § 72-a. Community treatment facilities. 1. Transfer of eligible  
26 [~~inmate~~] incarcerated individual. Notwithstanding the provisions of  
27 section seventy-two of this chapter, any [~~inmate~~] incarcerated individ-  
28 ual confined in a correctional facility who is an "eligible [~~inmate~~]  
29 incarcerated individual" as defined by subdivision two of section eight  
30 hundred fifty-one of this chapter and has been certified by the [~~divi-~~  
31 ~~sion-of~~] office of alcoholism and substance abuse services as being in  
32 need of substance abuse treatment and rehabilitation may be transferred  
33 by the commissioner to a community treatment facility.

34 2. Designation of facilities. A community treatment facility shall be  
35 designated by the [~~director~~] commissioner of the [~~division-of~~] office of  
36 alcoholism and substance abuse services and the commissioner. Such  
37 facility shall be operated by a provider or sponsoring agency that has  
38 provided approved residential substance abuse treatment services for at  
39 least two years duration.

40 3. Operating standards. The commissioner, after consultation with the  
41 [~~director~~] commissioner of the [~~division-of~~] office of alcoholism and  
42 substance abuse services, shall promulgate rules and regulations which  
43 provide for minimum standards of operation, including but not limited to  
44 the following:

45 (a) provision for adequate security and protection of the surrounding  
46 community;

47 (b) adequate physical plant standards;

48 (c) provisions for adequate program services, staffing, and record  
49 keeping; and

50 (d) provision for the general welfare of the [~~inmates~~] incarcerated  
51 individuals.

52 4. Community supervision. The department shall provide for the  
53 provision of community supervision services. All [~~inmates~~] incarcerated  
54 individuals residing in a community treatment facility shall be assigned  
55 to parole officers for supervision. Such parole officers shall be  
56 responsible for providing such supervision.

1 5. Reports. The department and the division of substance abuse  
2 services shall jointly issue quarterly reports including a description  
3 of those facilities that have been designated as community treatment  
4 facilities, the number of [~~inmates~~] incarcerated individuals confined in  
5 each facility, a description of the programs within each facility, and  
6 the number of absconders, if any, as well as the nature and number of  
7 re-arrests, if any, during the individual's period of community super-  
8 vision. Copies of such reports, as well as copies of any inspection  
9 report issued by the department or the commission of correction shall be  
10 sent to the director of the budget, the chairman of the senate finance  
11 committee, the chairman of the senate crime and correction committee,  
12 the chairman of the assembly ways and means committee and the chairman  
13 of the assembly committee on codes.

14 6. Reimbursement. (a) The commissioner, in consultation with the  
15 [~~director~~] commissioner of the [~~division-of~~] office of alcoholism and  
16 substance abuse services, shall enter into an agreement with the [~~divi-~~  
17 ~~sion-of~~] office of alcoholism and substance abuse services whereby the  
18 [~~division-of~~] office of alcoholism and substance abuse services will  
19 contract with community treatment facilities for provision of services  
20 pursuant to this section within amounts made available by the depart-  
21 ment. Each contract shall provide for frequent visitation, inspection of  
22 the facility, and enforcement of the minimum standards and shall author-  
23 ize the supervision of [~~inmates~~] incarcerated individuals residing in a  
24 community treatment facility by parole officers.

25 (b) The commissioner shall promulgate rules and regulations specifying  
26 those costs related to the general operation of community treatment  
27 facilities that shall be eligible for reimbursement. Such eligible costs  
28 shall not include debt service, whether principal or interest, or costs  
29 for which state or federal aid or reimbursement is otherwise available.  
30 Such rules and regulations shall be subject to the approval of the  
31 director of the budget.

32 (c) The department shall not contract for provision of services to  
33 more than fifty [~~inmates~~] incarcerated individuals at any one facility.

34 (d) At least thirty days prior to final approval of any such contract,  
35 a copy of the proposed contract shall be sent to the director of the  
36 budget, the chairman of the senate finance committee, the chairman of  
37 the senate crime and correction committee, the chairman of the assembly  
38 ways and means committee, and the chairman of the assembly committee on  
39 codes.

40 § 130. Section 72-b of the correction law, as added by section 48 of  
41 part B of chapter 58 of the laws of 2004, subdivision 2 as amended by  
42 section 17 of subpart A of part C of chapter 62 of the laws of 2011, is  
43 amended to read as follows:

44 § 72-b. Discharge of [~~inmates~~] incarcerated individuals to adult care  
45 facilities. 1. An [~~inmate~~] incarcerated individual about to be  
46 discharged to an adult home, enriched housing program or residence for  
47 adults, as defined in section two of the social services law, shall be  
48 referred only to such home, program or residence that is consistent with  
49 that person's needs and that operates pursuant to section four hundred  
50 sixty of the social services law. No [~~inmate~~] incarcerated individual  
51 shall be directly referred to any facility that is required to be certi-  
52 fied as an adult care facility under the provisions of article seven of  
53 the social services law, unless it has been determined that such facili-  
54 ty has a valid operating certificate.

55 2. No [~~inmate~~] incarcerated individual about to be paroled, condi-  
56 tionally released, transferred, released or discharged shall be referred

1 to any adult home, enriched housing program or residence for adults, as  
2 defined in section two of the social services law, where the department  
3 of corrections and community supervision has received written notice  
4 that the facility has been placed on the "do not refer list" pursuant to  
5 subdivision fifteen of section four hundred sixty-d of the social  
6 services law.

7 § 131. Section 73 of the correction law, as amended by section 8 of  
8 subpart B of part C of chapter 62 of the laws of 2011, is amended to  
9 read as follows:

10 § 73. Residential treatment facilities. 1. The commissioner may trans-  
11 fer any [~~inmate~~] incarcerated individual of a correctional facility who  
12 is eligible for community supervision or who will become eligible for  
13 community supervision within six months after the date of transfer or  
14 who has one year or less remaining to be served under his or her  
15 sentence to a residential treatment facility and such person may be  
16 allowed to go outside the facility during reasonable and necessary hours  
17 to engage in any activity reasonably related to his or her rehabili-  
18 tation and in accordance with the program established for him or her.  
19 While outside the facility he or she shall be at all times in the custo-  
20 dy of the department and under its supervision.

21 2. The department shall be responsible for securing appropriate educa-  
22 tion, on-the-job training and employment for [~~inmates~~] incarcerated  
23 individuals transferred to residential treatment facilities. The depart-  
24 ment also shall supervise such [~~inmates~~] incarcerated individuals during  
25 their participation in activities outside any such facility and at all  
26 times while they are outside any such facility.

27 3. Programs directed toward the rehabilitation and total reintegration  
28 into the community of persons transferred to a residential treatment  
29 facility shall be established. Each [~~inmate~~] incarcerated individual  
30 shall be assigned a specific program by the superintendent of the facil-  
31 ity and a written memorandum of such program shall be delivered to him  
32 or her.

33 4. If at any time the superintendent of a residential treatment facil-  
34 ity is of the opinion that any aspect of the program assigned to an  
35 individual is inconsistent with the welfare or safety of the community  
36 or of the facility or its [~~inmates~~] incarcerated individuals, the super-  
37 intendent may suspend such program or any part thereof and restrict the  
38 [~~inmate's~~] incarcerated individual's activities in any manner that is  
39 necessary and appropriate. Upon taking such action the superintendent  
40 shall promptly notify the commissioner and pending decision by the  
41 commissioner, the superintendent may keep such [~~inmate~~] incarcerated  
42 individual under such security as may be necessary.

43 5. The commissioner may at any time and for any reason transfer an  
44 [~~inmate~~] incarcerated individual from a residential treatment facility  
45 to another correctional facility.

46 6. Where a person who is an [~~inmate~~] incarcerated individual of a  
47 residential treatment facility absconds, or fails to return thereto as  
48 specified in the program approved for him or her, he or she may be  
49 arrested and returned by an officer or employee of the department or by  
50 any peace officer, acting pursuant to his or her special duties, or  
51 police officer without a warrant; or a member of the board of parole or  
52 an officer designated by such board may issue a warrant for the retaking  
53 of such person. A warrant issued pursuant to this subdivision shall have  
54 the same force and effect, and shall be executed in the same manner, as  
55 a warrant issued for violation of community supervision.

1 7. The provisions of this chapter relating to good behavior allowances  
2 and conditional release shall apply to behavior of [~~inmates~~] incarcerat-  
3 ed individuals while assigned to a residential treatment facility for  
4 behavior on the premises and outside the premises of such facility and  
5 good behavior allowances may be granted, withheld, forfeited or  
6 cancelled in whole or in part for behavior outside the premises of the  
7 facility to the same extent and in the same manner as is provided for  
8 [~~inmates~~] incarcerated individuals within the premises of any facility.

9 8. The state board of parole may grant parole to any [~~inmate~~] incar-  
10 cerated individual of a residential treatment facility at any time after  
11 he or she becomes eligible therefor. Such parole shall be in accordance  
12 with provisions of law that would apply if the person were still  
13 confined in the facility from which he or she was transferred, except  
14 that any personal appearance before the board may be at any place desig-  
15 nated by the board.

16 9. The earnings of any [~~inmate~~] incarcerated individual of a residen-  
17 tial treatment facility shall be dealt with in accordance with the  
18 procedure set forth in section eight hundred sixty of this chapter.

19 10. The commissioner is authorized to use any residential treatment  
20 facility as a residence for persons who are on community supervision.  
21 Persons who reside in such a facility shall be subject to conditions of  
22 community supervision imposed by the board.

23 § 132. Section 74 of the correction law, as amended by chapter 270 of  
24 the laws of 2015, is amended to read as follows:

25 § 74. Discharge on holidays, Saturdays and Sundays. Where the date of  
26 release on parole or conditional release, or where the date of discharge  
27 from the care or custody of the department, falls on Saturday or Sunday,  
28 it shall be deemed to fall on the preceding Friday. Where the date of  
29 such release or discharge falls on a legal holiday it shall be deemed to  
30 fall on the preceding day, except that when such legal holiday falls on  
31 a Monday the date of release shall be deemed to fall on the preceding  
32 Friday. Notwithstanding the foregoing, or any other provision of the law  
33 to the contrary, the commissioner, in his or her discretion, may advance  
34 the release date of an [~~inmate~~] incarcerated individual, who is sched-  
35 uled to be released on a Friday, to a Thursday in any case where the  
36 [~~inmate~~] incarcerated individual will serve a period of community super-  
37 vision upon release and the commissioner determines that public safety  
38 will be enhanced by a next day reporting requirement.

39 § 133. The section heading and subdivision 1 of section 76 of the  
40 correction law, the section heading as amended by chapter 5 of the laws  
41 of 2015 and subdivision 1 as amended by chapter 385 of the laws of 2019,  
42 are amended to read as follows:

43 Notice of transitional services for [~~inmates~~] incarcerated individuals  
44 released from correctional facilities. 1. (a) Prior to the release of an  
45 [~~inmate~~] incarcerated individual from a correctional facility, the  
46 department shall provide such [~~inmate~~] incarcerated individual with  
47 information on transitional services available in the county or city  
48 where such [~~inmate~~] incarcerated individual is scheduled to be released.  
49 Such information shall include programs designed to promote the success-  
50 ful and productive reentry and reintegration of an [~~inmate~~] incarcerated  
51 individual into society including medical and mental health services,  
52 HIV/AIDS services, educational, vocational and employment services,  
53 alcohol or substance abuse treatment and housing services. The depart-  
54 ment shall maintain a current list of transitional services which shall  
55 be updated regularly in order to effectuate the purposes of this  
56 section. Where appropriate, the department shall provide assistance to

1 an [~~inmate~~] incarcerated individual in contacting a program or service  
2 provider prior to such [~~inmate's~~] incarcerated individual's release to  
3 the community.

4 (b) Upon discharge of an [~~inmate~~] incarcerated individual from a  
5 correctional facility, the department shall provide such [~~inmate~~] incar-  
6 cerated individual with educational information about the prevention of  
7 human immunodeficiency virus (HIV) infection, instructions about how to  
8 obtain free HIV testing upon release, including contact information for  
9 HIV counseling and testing service providers located in the county or  
10 city in which such [~~inmate~~] incarcerated individual intends to reside  
11 upon release, and referrals to community-based HIV prevention, education  
12 and counseling resources located in the county or city in which such  
13 [~~inmate~~] incarcerated individual intends to reside upon release.

14 § 134. Subdivisions 1, 4 and 5 of section 87 of the correction law, as  
15 added by chapter 549 of the laws of 1987, are amended to read as  
16 follows:

17 1. "Alternate correctional facility" shall mean a correctional facili-  
18 ty designed to house medium security [~~inmates~~] incarcerated individuals  
19 as defined by department rules and regulations, which is owned by the  
20 city of New York, operated by the department pursuant to the rules and  
21 regulations promulgated by the commissioner and in accordance with the  
22 operation agreement as defined in subdivision five of this section, and  
23 used for the confinement of eligible [~~inmates~~] incarcerated individuals,  
24 as defined by subdivision four of this section.

25 4. "Eligible [~~inmates~~] incarcerated individuals" shall mean [~~male~~  
26 ~~inmates~~] incarcerated individuals of a New York city correctional facil-  
27 ity who are at least nineteen years of age, who are serving a definite,  
28 but not an intermittent, sentence of imprisonment, and who do not have  
29 criminal charges pending against them.

30 5. "Operation agreement" shall mean an agreement entered into pursuant  
31 to section eighty-eight of this article by the commissioner and the city  
32 of New York which governs the operation of one or both alternate correc-  
33 tional facilities and addresses all related issues, including, but not  
34 limited to, general staffing levels and nature of staffing positions;  
35 composition of medical staff; availability of outside medical services;  
36 procedures and criteria for selecting eligible [~~inmates~~] incarcerated  
37 individuals; availability and frequency of transportation of [~~inmates~~]  
38 incarcerated individuals and visitors of [~~inmates~~] incarcerated individ-  
39 uals to such facility; availability, content and frequency of program-  
40 ming for [~~inmates~~] incarcerated individuals; mechanisms to establish,  
41 monitor and review operating and capital expenditures; and legal repre-  
42 sentation of both [~~inmates~~] incarcerated individuals and employees of  
43 such facilities.

44 § 135. Subdivision 4 of section 88 of the correction law, as added by  
45 chapter 549 of the laws of 1987, is amended to read as follows:

46 4. For each alternate correctional facility, the commissioner is here-  
47 by authorized and empowered to enter into a construction agreement, an  
48 operation agreement, and any other agreements or leases with the city of  
49 New York which are deemed by the commissioner to be necessary or conven-  
50 ient for the establishment, operation and maintenance of an alternate  
51 correctional facility. An operation agreement shall govern the operation  
52 of an alternate correctional facility for up to ten years after the  
53 commencement of housing of eligible [~~inmates~~] incarcerated individuals  
54 at such facility. The commissioner shall not operate an alternate  
55 correctional facility except pursuant to an executed operation agree-  
56 ment.

1 § 136. Subdivision 2 of section 88-a of the correction law, as added  
2 by chapter 549 of the laws of 1987, is amended to read as follows:

3 2. To enter into an operation agreement or agreements as defined in  
4 this article and pursuant to any such agreements to utilize alternate  
5 correctional facilities for the housing of certain [~~inmates~~] incarcerat-  
6 ed individuals of New York city correctional facilities.

7 § 137. Subdivision 1 of section 89-a of the correction law, as amended  
8 by chapter 409 of the laws of 1991, is amended to read as follows:

9 1. Management of alternate correctional facilities. Superintendence,  
10 management and control of alternate correctional facilities and the  
11 eligible [~~inmates~~] incarcerated individuals housed therein shall be as  
12 directed by the commissioner consistent with the following: an alternate  
13 correctional facility shall be operated pursuant to rules and regu-  
14 lations promulgated for such facilities by the commissioner in consulta-  
15 tion with the state commission of correction and the provisions of the  
16 operation agreement. The commissioner shall operate such facility inso-  
17 far as practicable in the same manner as a general confinement facility  
18 which houses medium security state [~~inmates~~] incarcerated individuals.  
19 Nothing herein, however, shall preclude the commissioner from enhancing  
20 staffing or programming to accommodate the particular needs of eligible  
21 [~~inmates~~] incarcerated individuals pursuant to the operation agreement.  
22 No [~~inmate~~] incarcerated individual shall be housed in any alternate  
23 correctional facility until such facility has been established in  
24 accordance with the provisions of section eighty-nine of this article.  
25 The population in an alternate correctional facility shall not exceed  
26 its design capacity of approximately seven hundred eligible [~~inmates~~]  
27 incarcerated individuals except pursuant to variances permitted by law,  
28 rule or regulation or court order.

29 § 138. Section 89-c of the correction law, as added by chapter 549 of  
30 the laws of 1987, is amended to read as follows:

31 § 89-c. Use of alternate correctional facilities. 1. Alternate correc-  
32 tional facilities shall serve only to supplement local correctional  
33 facilities within the city of New York. In considering whether to assign  
34 an eligible [~~inmate~~] incarcerated individual to an alternate correction-  
35 al facility or to transfer such [~~inmate~~] incarcerated individual from  
36 such facility, preference shall be given to available space suitable for  
37 housing sentenced [~~inmates~~] incarcerated individuals at local correc-  
38 tional facilities within the city of New York.

39 2. Consistent with the provisions of this article and subject to the  
40 applicable rules and regulations for operation of alternate correctional  
41 facilities and the provisions of the operation agreement, assignment of  
42 [~~inmates~~] incarcerated individuals to alternate correctional facilities  
43 shall be made jointly by the commissioner and the commissioner of the  
44 New York city department of correction. In making such assignments,  
45 consideration shall be given to [~~inmates~~] incarcerated individuals who  
46 have a greater period of time remaining to be served on their sentences,  
47 taking into account any applicable jail time and good behavior time. No  
48 [~~inmate~~] incarcerated individual who is eligible for educational  
49 services pursuant to subdivision seven of section three thousand two  
50 hundred two of the education law and who chooses to avail himself or  
51 herself of such services shall be assigned to an alternate correctional  
52 facility.

53 3. [~~Inmates~~] Incarcerated individuals assigned to alternate correc-  
54 tional facilities shall be returned to a local correctional facility  
55 within the city of New York at any such time as the commissioner deter-  
56 mines:



1 (a) that the assignment was not in accordance with this article, or  
2 (b) that the confinement of an [~~inmate~~] incarcerated individual in an  
3 alternate correctional facility is no longer suitable because it poten-  
4 tially endangers the safety, security or order of the facility.

5 4. Any [~~inmate~~] incarcerated individual who is eligible for educa-  
6 tional services pursuant to subdivision seven of section three thousand  
7 two hundred two of the education law shall also be returned to a New  
8 York city local correctional facility if he or she chooses to avail  
9 himself or herself of such services.

10 5. [~~Inmates~~] Incarcerated individuals assigned to alternate correc-  
11 tional facilities shall be returned to a New York city correctional  
12 facility within the city of New York no later than seven days prior to  
13 their scheduled release or discharge from incarceration.

14 6. Notwithstanding any other provisions of law, no [~~inmates~~] incarcer-  
15 ated individuals from jurisdictions other than the city of New York  
16 shall be housed at any time in an alternate correctional facility.

17 § 139. Section 89-d of the correction law, as added by chapter 549 of  
18 the laws of 1987, is amended to read as follows:

19 § 89-d. Transportation. The state of New York shall have no responsi-  
20 bility, financial or otherwise, for transporting [~~inmates~~] incarcerated  
21 individuals between a New York city local correctional facility and an  
22 alternate correctional facility, regardless of the reason for such  
23 transfer. The city of New York shall be responsible for all such costs,  
24 as well as the actual transportation and supervision of [~~inmates~~] incar-  
25 cerated individuals during transport.

26 § 140. Subdivision 3 of section 89-e of the correction law, as added  
27 by chapter 549 of the laws of 1987, is amended to read as follows:

28 3. The panel shall examine whether alternate correctional facilities  
29 should continue to be utilized, whether all steps practicable have been  
30 taken by the city of New York toward finding alternatives to housing  
31 eligible [~~inmates~~] incarcerated individuals in alternate correctional  
32 facilities, including the construction of correctional facilities within  
33 the city of New York and the development of alternatives to incarceration,  
34 and whether there has been compliance with all applicable laws,  
35 rules and regulations and the operation agreement.

36 § 141. Subdivision 1 of section 90 of the correction law, as added by  
37 chapter 478 of the laws of 1970, is amended to read as follows:

38 1. To provide correctional programs for persons who receive sentences  
39 of imprisonment with terms of one year or less and who otherwise would  
40 be confined in institutions in counties that do not have a sufficient  
41 number of [~~inmates~~] incarcerated individuals to justify construction of  
42 an adequate correctional institution or operation of a modern correc-  
43 tional program;

44 § 142. The section heading and subdivisions 1 and 3 of section 91 of  
45 the correction law, as amended by section 5 of part H of chapter 56 of  
46 the laws of 2009, are amended to read as follows:

47 Agreements for custody of definite sentence [~~inmates~~] incarcerated  
48 individuals.

49 1. The commissioner may enter into an agreement with any  
50 county or with the city of New York to provide for custody by the  
51 department of persons who receive definite sentences of imprisonment  
52 with terms in excess of ninety days who otherwise would serve such  
53 sentences in the jail, workhouse, penitentiary or other local correc-  
54 tional institution maintained by such locality; provided, however, that  
55 a person committed to the custody of the department pursuant to an  
56 agreement established by this section, except a person committed pursu-  
ant to an agreement with the city of New York, shall be delivered to a

1 reception center designated by the commissioner for an initial process-  
2 ing period which shall be no longer than seven days, and thereafter,  
3 shall be transferred to a general confinement correctional facility  
4 located in the same county or in a county adjacent to the county where  
5 such person would otherwise be committed to a local correctional facili-  
6 ty. In the event, however, that exigent circumstances related to health,  
7 safety or security arise which require the immediate transfer of an  
8 [~~inmate~~] incarcerated individual to a different facility not within the  
9 county or adjacent county, then the department shall, as soon thereafter  
10 as practicable, arrange for such [~~inmate~~] incarcerated individual to be  
11 returned to the jurisdiction of the county from which he or she was  
12 committed.

13 3. An agreement made under this section shall require the locality to  
14 pay the cost of treatment, maintenance and custody furnished by the  
15 department, and the costs incurred under subdivision two or three of  
16 section one hundred twenty-five of this chapter relating to the  
17 provision of clothing, money and transportation upon release or  
18 discharge of [~~inmates~~] incarcerated individuals delivered to the depart-  
19 ment pursuant to the agreement, and shall contain at least the following  
20 provisions:

21 (a) A provision specifying the minimum length of the term of imprison-  
22 ment of persons who may be received by the department under the agree-  
23 ment, which may be any term in excess of ninety days agreed to by the  
24 parties and which need not be the same in each agreement;

25 (b) A provision that no charge will be made to the state or to the  
26 department or to any of its institutions during the pendency of such  
27 agreement for delivery of [~~inmates~~] incarcerated individuals to the  
28 department by officers of the locality, and that the provisions of  
29 section six hundred two of this chapter or of any similar law shall not  
30 apply for delivery of [~~inmates~~] incarcerated individuals during such  
31 time;

32 (c) Designation of the correctional facility or facilities to which  
33 persons under sentences covered by the agreement are to be delivered;

34 (d) A provision requiring the department to provide transitional  
35 services upon the release of persons committed to the custody of the  
36 department pursuant to an agreement established by this section;

37 (e) Any other provision the commissioner may deem necessary or appro-  
38 priate; and

39 (f) A provision giving either party the right to cancel the agreement  
40 by giving the other party notice in writing, with cancellation to become  
41 effective on such date as may be specified in such notice.

42 § 142-a. The section heading, and paragraphs (b), (c) and (d) of  
43 subdivision 3 of section 91 of the correction law, as amended by section  
44 10 of subpart B of part C of chapter 62 of the laws of 2011, are amended  
45 to read as follows:

46 Agreements for custody of definite sentence [~~inmates~~] incarcerated  
47 individuals.

48 (b) A provision that no charge will be made to the state or to the  
49 state department of corrections and community supervision or to any of  
50 its institutions during the pendency of such agreement for delivery of  
51 [~~inmates~~] incarcerated individuals to the state department of  
52 corrections and community supervision by officers of the locality, and  
53 that the provisions of section six hundred two of this chapter or of any  
54 similar law shall not apply for delivery of [~~inmates~~] incarcerated indi-  
55 viduals during such time;

1 (c) A provision that no charge shall be made to or shall be payable by  
2 the state during the pendency of such agreement for the expense of main-  
3 taining parole violators pursuant to section [~~two hundred sixteen of~~  
4 ~~this chapter~~] two hundred fifty-nine-i of the executive law, for the  
5 expense of maintaining coram nobis prisoners pursuant to section six  
6 hundred one-b of this chapter, or for the expense of maintaining felony  
7 prisoners pursuant to section six hundred one-c of this chapter[~~, or for~~  
8 ~~the expense of maintaining alternative local reformatory inmates pursu-~~  
9 ~~ant to section eight hundred thirty-five in institutions maintained by~~  
10 ~~the locality~~];

11 (d) A provision, approved by the state comptroller, for reimbursement  
12 of the state department of corrections and community supervision by the  
13 locality for expenses incurred under subdivision two or three of section  
14 one hundred twenty-five of this chapter relating to clothing, money and  
15 transportation furnished upon release or discharge of [~~inmates~~] incar-  
16 cerated individuals delivered to the state department of corrections and  
17 community supervision pursuant to the agreement;

18 § 143. Section 92 of the correction law, as amended by section 6 of  
19 part H of chapter 56 of the laws of 2009, is amended to read as follows:

20 § 92. Effect of agreement for custody of definite sentence [~~inmates~~]  
21 incarcerated individuals. 1. After a copy of an agreement made under  
22 section ninety-one of this article is filed with the secretary of state,  
23 all commitments under sentences covered by the agreement by courts in  
24 the county or city to which it applies shall be deemed to be to the  
25 custody of the department and shall be so construed and interpreted  
26 irrespective of the institution or agency to which the commitments are  
27 made.

28 2. Any [~~inmate~~] incarcerated individual who is serving a term of  
29 imprisonment covered by the agreement imposed prior to the filing of  
30 such agreement, and any [~~inmate~~] incarcerated individual who is under  
31 consecutive definite sentences of imprisonment with an aggregate term of  
32 the length covered by the agreement, irrespective of whether one or more  
33 of such sentences was imposed prior to the filing of the agreement, may  
34 be transferred to the care of the department upon request of the head of  
35 the county or city institution and approval of the commissioner.

36 3. [~~Inmates~~] Incarcerated individuals who are deemed committed to the  
37 custody of the department under subdivision one of this section, or who  
38 may be transferred to the care of the department under subdivision two  
39 of this section, shall be dealt with in all respects in the same manner  
40 as [~~inmates~~] incarcerated individuals committed to the custody of the  
41 department.

42 4. In the event any such agreement is cancelled, [~~inmates~~] incarcerat-  
43 ed individuals delivered to the department prior to the date of cancel-  
44 lation shall continue to serve their sentences in the custody of such  
45 department and the provisions of such agreement shall continue to apply  
46 with respect to such [~~inmates~~] incarcerated individuals. A copy of the  
47 notice of cancellation shall be filed with the secretary of state and  
48 with the clerks of courts in the manner provided in subdivision four of  
49 section ninety-one of this article, and no [~~inmates~~] incarcerated indi-  
50 viduals shall be delivered to the custody of the department under such  
51 agreement after the date on which such cancellation becomes effective.

52 § 143-a. Section 92 of the correction law, as amended by section 11 of  
53 subpart B of part C of chapter 62 of the laws of 2011, is amended to  
54 read as follows:

55 § 92. Effect of agreement for custody of definite sentence [~~inmates~~]  
56 incarcerated individuals. 1. After a copy of an agreement made under

1 section ninety-one of this article is filed with the secretary of state,  
2 all commitments under sentences covered by the agreement by courts in  
3 the county or city to which it applies shall be deemed to be to the  
4 custody of the state department of corrections and community supervision  
5 and shall be so construed and interpreted irrespective of the institu-  
6 tion or agency to which the commitments are made.

7 2. Any [~~inmate~~] incarcerated individual who is serving a term of  
8 imprisonment covered by the agreement imposed prior to the filing of  
9 such agreement, and any [~~inmate~~] incarcerated individual who is under  
10 consecutive definite sentences of imprisonment with an aggregate term of  
11 the length covered by the agreement, irrespective of whether one or more  
12 of such sentences was imposed prior to the filing of the agreement, may  
13 be transferred to the care of the state department of corrections and  
14 community supervision upon request of the head of the county or city  
15 institution and approval of the state commissioner of corrections and  
16 community supervision.

17 3. [~~Inmates~~] Incarcerated individuals who are deemed committed to the  
18 custody of the state department of corrections and community supervision  
19 under subdivision one of this section, or who may be transferred to the  
20 care of the state department of corrections and community supervision  
21 under subdivision two of this section, shall be dealt with in all  
22 respects in the same manner as [~~inmates~~] incarcerated individuals  
23 committed to the custody of the state department of corrections and  
24 community supervision.

25 4. In the event any such agreement is cancelled, [~~inmates~~] incarcerat-  
26 ed individuals delivered to the state department of corrections and  
27 community supervision prior to the date of cancellation shall continue  
28 to serve their sentences in the custody of such department and the  
29 provisions of such agreement shall continue to apply with respect to  
30 such [~~inmates~~] incarcerated individuals. A copy of the notice of  
31 cancellation shall be filed with the secretary of state and with the  
32 clerks of courts in the manner provided in subdivision four of section  
33 ninety-one of this article, and no [~~inmates~~] incarcerated individuals  
34 shall be delivered to the custody of the state department of corrections  
35 and community supervision under such agreement after the date on which  
36 such cancellation becomes effective.

37 § 144. Section 93 of the correction law, as amended by section 12 of  
38 subpart B of part C of chapter 62 of the laws of 2011, is amended to  
39 read as follows:

40 § 93. Temporary custody of sentenced [~~inmates~~] incarcerated individ-  
41 uals in emergencies. 1. Whenever a state of emergency shall be declared  
42 by the chief executive officer of a local government pursuant to section  
43 two hundred nine-m of the general municipal law, the chief executive  
44 officer of the county in which such state of emergency is declared, or  
45 where a county or counties are wholly within a city the mayor of such  
46 city, may request the governor to remove all or any number of sentenced  
47 [~~inmates~~] incarcerated individuals from institutions maintained by such  
48 county or city. Upon receipt of such request, if the governor is satis-  
49 fied that the public interest so requires, the governor may, in his or  
50 her discretion, authorize and direct the state commissioner of  
51 corrections and community supervision to remove such [~~inmates~~] incarcer-  
52 ated individuals.

53 2. Upon receipt of any such direction the state commissioner of  
54 corrections and community supervision shall transport such [~~inmates~~]  
55 incarcerated individuals to any correctional facility in the department  
56 and such [~~inmates~~] incarcerated individuals shall be retained in the

1 custody of the department, subject to all laws and rules and regulations  
2 pertaining to [~~inmates~~] incarcerated individuals in the custody of the  
3 department, until returned to the institution from which they were  
4 removed or discharged or released in accordance with the law.

5 3. In the event that the state department of corrections and community  
6 supervision does not have space in its correctional facilities to accom-  
7 modate all or any number of the [~~inmates~~] incarcerated individuals so  
8 removed from a local institution, the commissioner shall have the power  
9 to lodge any number of such [~~inmates~~] incarcerated individuals in any  
10 county jail, workhouse or penitentiary within the state that has room to  
11 receive them and such institution shall be required to receive such  
12 [~~inmates~~] incarcerated individuals. [~~Inmates~~] Incarcerated individuals  
13 so lodged shall be subject to all rules and regulations pertaining to  
14 [~~inmates~~] incarcerated individuals committed to such institution until  
15 returned to the institution from which they were removed, or removed to  
16 a state correctional facility, or discharged or released in accordance  
17 with the law; provided, however, that [~~inmates~~] incarcerated individuals  
18 discharged or released from any such local institution shall be entitled  
19 to receive clothing, money and transportation from the state department  
20 of corrections and community supervision to the same extent as [~~inmates~~]  
21 incarcerated individuals discharged or released from a state correction-  
22 al facility.

23 4. When sentenced [~~inmates~~] incarcerated individuals have been removed  
24 from a penitentiary pursuant to this section, such penitentiary may be  
25 used for the purpose of detention of prisoners awaiting trial or for any  
26 other purpose to which a county jail may be put.

27 5. The original order of commitment and any other case record pertain-  
28 ing to [~~inmates~~] incarcerated individuals removed pursuant to this  
29 section shall be delivered to the head of any institution in which he or  
30 she may be lodged and shall be returned to the institution from which he  
31 or she was removed at the time of his or her return to such institution  
32 or upon his or her release or discharge in accordance with the law.

33 6. [~~Inmates~~] Incarcerated individuals removed from a local institution  
34 pursuant to a request made under subdivision one of this section may be  
35 returned to such institution by the state commissioner of corrections  
36 and community supervision, subject to the approval of the governor, at  
37 any time such commissioner is satisfied that the return of such  
38 [~~inmates~~] incarcerated individuals is not inconsistent with the public  
39 interest.

40 7. The county or city maintaining the institution from which [~~inmates~~]  
41 incarcerated individuals are removed pursuant to subdivision one of this  
42 section shall be liable for all damages arising out of any act performed  
43 pursuant to this section and for reimbursement for the following items:

44 (a) The cost of clothing, money and transportation furnished to any  
45 [~~inmate~~] incarcerated individual who is released or discharged prior to  
46 the return of such [~~inmate~~] incarcerated individual to the institution  
47 from which he or she is removed shall be paid to the state department of  
48 corrections and community supervision; and

49 (b) The cost of maintaining any [~~inmate~~] incarcerated individual in a  
50 county jail, workhouse or penitentiary shall be paid to the local  
51 government that maintains such institution. Such cost shall be the actu-  
52 al per capita daily cost, as certified to the state commissioner of  
53 corrections and community supervision.

54 § 145. Section 94 of the correction law, as amended by section 13 of  
55 subpart B of part C of chapter 62 of the laws of 2011, is amended to  
56 read as follows:

1 § 94. Use of local government institutions for residential treatment  
 2 of persons under the custody of the state department of corrections and  
 3 community supervision. 1. The state commissioner of corrections and  
 4 community supervision is hereby authorized to transfer any [~~inmate~~]  
 5 incarcerated individual under the care or custody of the department who  
 6 is eligible to be transferred to a residential treatment facility under  
 7 section seventy-three of this chapter to any county jail, workhouse or  
 8 penitentiary for the purpose of having such [~~inmate~~] incarcerated indi-  
 9 vidual engage in a residential treatment facility program; provided,  
 10 however, that:

11 (a) Such [~~inmate~~] incarcerated individual has resided or was employed  
 12 or has dependents or parents who reside in the county, or in a county  
 13 that is contiguous to the county, in which the institution to which he  
 14 or she would be transferred is located;

15 (b) Arrangements have been made for the education, on-the-job train-  
 16 ing, employment or for some other rehabilitative treatment of such  
 17 [~~inmate~~] incarcerated individual in the county, or in a county that is  
 18 contiguous to the county, in which the institution to which he or she  
 19 would be transferred is located; and

20 (c) The sheriff, warden, superintendent, local commissioner of  
 21 correction or other person in charge of the institution to which the  
 22 [~~inmate~~] incarcerated individual would be transferred consents to such  
 23 transfer.

24 2. An [~~inmate~~] incarcerated individual so transferred shall continue  
 25 to be in the custody of the state department of corrections and communi-  
 26 ty supervision but shall, during the period of such transfer, be in the  
 27 care of the head of the institution to which he or she is transferred.  
 28 The provisions of section seventy-three of this chapter shall apply in  
 29 the case of any such transfer as fully and completely as if the [~~inmate~~]  
 30 incarcerated individual were transferred to a residential treatment  
 31 facility, and the head of the institution to which the [~~inmate~~] incar-  
 32 cerated individual is transferred and the officers and employees thereof  
 33 shall have and may exercise all of the powers of the superintendent of a  
 34 residential treatment facility with respect to the care or custody of a  
 35 such [~~inmate~~] incarcerated individual.

36 In any case where an [~~inmate~~] incarcerated individual is employed,  
 37 however, the provisions of subdivision nine of such section seventy-  
 38 three shall not apply and the wages or salary of such [~~inmate~~] incarcer-  
 39 ated individual shall be dealt with under the provisions applicable to a  
 40 work release program in the type of institution to which he or she is  
 41 transferred as provided in [~~sections~~] section one hundred fifty-four[~~7~~]  
 42 or eight hundred seventy-two [~~or eight hundred ninety three~~] of this  
 43 chapter as the case may be; and in the event such [~~inmate~~] incarcerated  
 44 individual is returned to a state correctional facility, any balance  
 45 remaining in the trust fund account shall be paid over to the super-  
 46 intendent of such facility and shall be deposited by him or her as  
 47 [~~inmates~~+] incarcerated individuals' funds pursuant to section one  
 48 hundred sixteen of this chapter.

49 3. If at any time the head of a local institution to which an [~~inmate~~]  
 50 incarcerated individual is transferred under this section is of the  
 51 opinion that continued care of such [~~inmate~~] incarcerated individual in  
 52 such institution is inconsistent with the welfare or safety of the  
 53 community or of the institution or its [~~inmates~~] incarcerated individ-  
 54 uals, he or she may request the state commissioner to return such  
 55 [~~inmate~~] incarcerated individual to a state correctional facility and,  
 56 upon the receipt of any such request, the commissioner shall cause such

1 [~~inmate~~] incarcerated individual to be so returned promptly and at the  
2 expense of the state department of corrections and community super-  
3 vision.

4 4. The expenses of any such transfer shall be paid by the state  
5 department of corrections and community supervision and the commissioner  
6 is hereby authorized to reimburse the local institution for a sum deter-  
7 mined by the head of such institution and agreed to in advance by the  
8 commissioner to be the cost of food, lodging and clothing within the  
9 institution, and the actual and necessary food, travel and other  
10 expenses required for a program outside the institution, incurred or  
11 advanced by the institution; provided, however, that:

12 (a) In any case where the commissioner has a pending agreement with a  
13 locality under section ninety-one of this article, the commissioner  
14 shall not reimburse the local institution for any cost incurred for  
15 food, lodging and clothing within the institution; and

16 (b) The wages or salary, if any, of such [~~inmate~~] incarcerated indi-  
17 vidual shall be used for such reimbursement and shall be applied to  
18 defray any costs authorized to be paid under this section before any  
19 amount shall be paid by the commissioner hereunder, and any such wages  
20 or salary may be so applied irrespective of the provisions of paragraph  
21 (a) of this subdivision.

22 § 146. Subdivisions 2, 3 and 5 of section 95 of the correction law,  
23 subdivisions 2 and 5 as added by chapter 3 of the laws of 1995 and  
24 subdivision 3 as amended by chapter 518 of the laws of 1999, are amended  
25 to read as follows:

26 2. Any such [~~inmate~~] incarcerated individual shall be deemed to be in  
27 the custody of and subject to the jurisdiction of the department but  
28 shall, during the period of his or her local confinement, be under the  
29 care of the head of the local correctional facility in which he or she  
30 resides.

31 3. If at any time the head of the local correctional facility is of  
32 the opinion that the continued care of such [~~inmate~~] incarcerated indi-  
33 vidual in the local correctional facility is inconsistent with the  
34 welfare or safety of the [~~inmate~~] incarcerated individual, the communi-  
35 ty, the facility or other [~~inmates~~] incarcerated individuals, he or she  
36 may demand that such [~~inmate~~] incarcerated individual be transferred  
37 forthwith to the custody of the department. Thereafter, the department  
38 shall be obligated to receive into its custody such [~~inmate~~] incarcerat-  
39 ed individual in the manner prescribed for the acceptance of newly  
40 sentenced [~~inmates~~] incarcerated individuals required by section 430.20  
41 of the criminal procedure law unless the contract specifies an alterna-  
42 tive method of transfer. Notwithstanding the foregoing, in any case  
43 where the [~~inmate~~] incarcerated individual in the care of the local  
44 correctional facility pursuant to a contract as provided for in this  
45 section is convicted of a class A-1 felony offense or a class B violent  
46 felony offense or a class C violent felony offense, the head of the  
47 local correctional facility may demand that such [~~inmate~~] incarcerated  
48 individual be transferred forthwith to the custody of the department.  
49 Thereafter, the department shall be obligated to receive into its custo-  
50 dy such [~~inmate~~] incarcerated individual within forty-eight hours of  
51 receipt of such demand from the head of the local correctional facility.

52 5. No [~~inmate~~] incarcerated individual shall be housed in a local  
53 correctional facility or series of local correctional facilities pursu-  
54 ant to a contract under subdivision one of this section for a period  
55 exceeding six months.

1 § 147. Subdivisions (c), (d) and (e) of section 102 of the correction  
2 law, as added by chapter 400 of the laws of 1984, are amended to read as  
3 follows:

4 (c) "Receiving state" means a state party to this compact to which an  
5 [~~inmate~~] incarcerated individual is sent for confinement other than a  
6 state in which conviction or court commitment was had.

7 (d) "[~~Inmate~~] Incarcerated individual" means a male or female offender  
8 who is committed, under sentence to or confined in a penal or correc-  
9 tional institution.

10 (e) "Institution" means any penal or correctional facility, including  
11 but not limited to a facility for the mentally ill or mentally defec-  
12 tive, in which [~~inmates~~] incarcerated individuals as defined in subdivi-  
13 sion (d) [~~hereof~~] of this section may lawfully be confined.

14 § 148. Subdivision (a) of section 103 of the correction law, as added  
15 by chapter 400 of the laws of 1984, is amended to read as follows:

16 (a) Each party state may make one or more contracts with any one or  
17 more of the other party states for the confinement of [~~inmates~~] incar-  
18 cerated individuals on behalf of a sending state in institutions situ-  
19 ated within receiving states. Any such contract shall provide for:

20 1. Its duration.

21 2. Payments to be made to the receiving state by the sending state for  
22 [~~inmate~~] incarcerated individual maintenance, extraordinary medical and  
23 dental expenses, and any participation in or receipt by [~~inmates~~] incar-  
24 cerated individuals of rehabilitative or correctional services, facili-  
25 ties, programs or treatment not reasonably included as part of normal  
26 maintenance.

27 3. Participation in programs of [~~inmate~~] incarcerated individual  
28 employment, if any; the disposition or crediting of any payments  
29 received by [~~inmates~~] incarcerated individuals on account thereof; and  
30 the crediting of proceeds from or disposal of any products resulting  
31 therefrom.

32 4. Delivery and retaking of [~~inmates~~] incarcerated individuals.

33 5. Such other matters as may be necessary and appropriate to fix the  
34 obligations, responsibilities and rights of the sending and receiving  
35 states.

36 § 149. Section 104 of the correction law, as added by chapter 400 of  
37 the laws of 1984, is amended to read as follows:

38 § 104. Procedures and rights. (a) Whenever the duly constituted  
39 authorities in a state party to this compact, and which has entered into  
40 a contract pursuant to section one hundred three of this article, shall  
41 decide that confinement in, or transfer of an [~~inmate~~] incarcerated  
42 individual to, an institution within the territory of another party  
43 state is necessary or desirable in order to provide adequate quarters  
44 and care or an appropriate program of rehabilitation or treatment, said  
45 officials may direct that the confinement be within an institution with-  
46 in the territory of said other party state, the receiving state to act  
47 in that regard solely as agent for the sending state.

48 (b) The appropriate officials of any state party to this compact shall  
49 have access, at all reasonable times, to any institution in which it has  
50 a contractual right to confine [~~inmates~~] incarcerated individuals for  
51 the purpose of inspecting the facilities thereof and visiting such of  
52 its [~~inmates~~] incarcerated individuals as may be confined in the insti-  
53 tution.

54 (c) [~~Inmates~~] Incarcerated individuals confined in an institution  
55 pursuant to the terms of this compact shall at all times be subject to  
56 the jurisdiction of the sending state and may at any time be removed



1 therefrom for transfer to a prison or other institution within the send-  
2 ing state, for transfer to another institution in which the sending  
3 state may have a contractual or other right to confine [~~inmates~~] incar-  
4 cerated individuals, for release on probation or parole, for discharge,  
5 or for any other purpose permitted by the laws of the sending state;  
6 provide that the sending state shall continue to be obligated to such  
7 payments as may be required pursuant to the terms of any contract  
8 entered into under the terms contained in section one hundred three of  
9 this article.

10 (d) Each receiving state shall provide regular reports to each sending  
11 state on the [~~inmates~~] incarcerated individuals of that sending state in  
12 institutions pursuant to this compact including a conduct record of each  
13 [~~inmate~~] incarcerated individual and certify said record to the official  
14 designated by the sending state, in order that each [~~inmate~~] incarcerat-  
15 ed individual may have official review of his or her record in determin-  
16 ing and altering the disposition of said [~~inmate~~] incarcerated individ-  
17 ual in accordance with the law which may obtain in the sending state and  
18 in order that the same may be a source of information for the sending  
19 state.

20 (e) All [~~inmates~~] incarcerated individuals who may be confined in an  
21 institution pursuant to the provisions of this compact shall be treated  
22 in a reasonable and humane manner and shall be treated equally with such  
23 similar [~~inmates~~] incarcerated individuals of the receiving state as may  
24 be confined in the same institution. The fact of confinement in a  
25 receiving state shall not deprive any [~~inmate~~] incarcerated individual  
26 so confined of any legal rights which said [~~inmate~~] incarcerated indi-  
27 vidual would have had if confined in an appropriate institution of the  
28 sending state.

29 (f) Any hearing or hearings to which an [~~inmate~~] incarcerated individ-  
30 ual confined pursuant to this compact may be entitled by the laws of the  
31 sending state may be had before the appropriate authorities of the send-  
32 ing state, or of the receiving state if authorized by the sending state.  
33 The receiving state shall provide adequate facilities for such hearings  
34 as may be conducted by the appropriate officials of a sending state. In  
35 the event such hearing or hearings are had before officials of the  
36 receiving state, the governing law shall be that of the sending state  
37 and a record of the hearing or hearings as prescribed by the sending  
38 state shall be made. Said record together with any recommendations of  
39 the hearing officials shall be transmitted forthwith to the official or  
40 officials before whom the hearing would have been had if it had taken  
41 place in the sending state. In any and all proceedings had pursuant to  
42 the provisions of this subdivision, the officials of the receiving state  
43 shall act solely as agents of the sending state and no final determi-  
44 nation shall be made in any matter except by the appropriate officials  
45 of the sending state.

46 (g) Any [~~inmate~~] incarcerated individual confined pursuant to this  
47 compact shall be released within the territory of the sending state  
48 unless the [~~inmate~~] incarcerated individual, and the sending and receiv-  
49 ing states, shall agree upon release in some other place. The sending  
50 state shall bear the cost of such return to its territory.

51 (h) Any [~~inmate~~] incarcerated individual confined pursuant to the  
52 terms of this compact shall have any and all rights to participate in  
53 and derive any benefits or incur or be relieved of any obligations or  
54 have such obligations modified or his or her status changed on account  
55 of any action or proceeding in which he or she could have participated

1 if confined in any appropriate institution of the sending state located  
2 within such state.

3 (i) The parent, guardian, trustee, or other person or persons entitled  
4 under the laws of the sending state to act for, advise, or otherwise  
5 function with respect to any [~~inmate~~] incarcerated individual shall not  
6 be deprived of or restricted in his or her exercise of any power in  
7 respect to any [~~inmate~~] incarcerated individual confined pursuant to the  
8 terms of this compact.

9 § 150. Section 105 of the correction law, as added by chapter 400 of  
10 the laws of 1984, is amended to read as follows:

11 § 105. Acts not reviewable in receiving state; extradition. (a) Any  
12 decision of the sending state in respect to any matter over which it  
13 retains jurisdiction pursuant to this compact shall be conclusive upon  
14 and not reviewable within the receiving state, but if at the time the  
15 sending state seeks to remove an [~~inmate~~] incarcerated individual from  
16 an institution in the receiving state there is pending against the  
17 [~~inmate~~] incarcerated individual within such state any criminal charge  
18 or if the [~~inmate~~] incarcerated individual is formally accused of having  
19 committed within such state a criminal offense, the [~~inmate~~] incarcerat-  
20 ed individual shall not be returned without the consent of the receiving  
21 state until discharged from prosecution or other form of proceeding,  
22 imprisonment or detention for such offense. The duly accredited officers  
23 of the sending state shall be permitted to transport [~~inmates~~] incarcer-  
24 ated individuals pursuant to this compact through any and all states  
25 party to this compact without interference.

26 (b) Any [~~inmate~~] incarcerated individual who escapes from an institu-  
27 tion in which he or she is confined pursuant to this compact shall be  
28 deemed a fugitive from the sending state and from the state in which the  
29 institution is situated. In the case of any escape to a jurisdiction  
30 other than the sending or receiving state, the responsibility for insti-  
31 tution of extradition or rendition proceedings shall be that of the  
32 sending state, but nothing contained herein shall be construed to  
33 prevent or affect the activities of officers and agencies of any juris-  
34 diction directed toward the apprehension and return of the escapee.

35 § 151. Section 106 of the correction law, as added by chapter 400 of  
36 the laws of 1984, is amended to read as follows:

37 § 106. Federal aid. Any state party to this compact may accept federal  
38 aid for use in connection with any institution or program, the use of  
39 which is or may be affected by this compact or any contract pursuant  
40 hereto and any [~~inmate~~] incarcerated individual in a receiving state  
41 pursuant to this compact may participate in any such federally aided  
42 program or activity for which the sending and receiving states have made  
43 contractual provision, provided that if such program or activity is not  
44 part of the customary correctional regimen, the express consent of the  
45 appropriate official of the sending state shall be required therefor.

46 § 152. Section 108 of the correction law, as added by chapter 400 of  
47 the laws of 1984, is amended to read as follows:

48 § 108. Withdrawal and termination. This compact shall continue in  
49 force and remain binding upon a party state until it shall have enacted  
50 a statute repealing the same and providing for the sending of formal  
51 written notice of withdrawal from the compact to the appropriate offi-  
52 cials of all other party states. An actual withdrawal shall not take  
53 effect until one year after the notices provided in said statute have  
54 been sent. Such withdrawal shall not relieve the withdrawing state from  
55 its obligations assumed hereunder prior to the effective date of with-  
56 drawal. Before the effective date of withdrawal, a withdrawing state

1 shall remove to its territory, at its own expense, such [~~inmates~~] incar-  
2 cerated individuals as it may have confined pursuant to the provisions  
3 of this compact.

4 § 153. Subdivision (a) of section 109 of the correction law, as added  
5 by chapter 400 of the laws of 1984, is amended to read as follows:

6 (a) Nothing contained in this compact shall be construed to abrogate  
7 or impair any agreement or other arrangement which a party state may  
8 have with a nonparty state for the confinement, rehabilitation or treat-  
9 ment of [~~inmate~~] incarcerated individuals nor to repeal any other laws  
10 of a party state authorizing the making of cooperative institutional  
11 arrangements.

12 § 154. Subdivisions 1, 2, 4 and 5 of section 112 of the correction  
13 law, subdivisions 1 and 2 as amended and subdivision 4 as added by  
14 section 19 of subpart A of part C of chapter 62 of the laws of 2011, and  
15 subdivision 5 as added by chapter 211 of the laws of 2020, are amended  
16 to read as follows:

17 1. The commissioner of corrections and community supervision shall  
18 have the superintendence, management and control of the correctional  
19 facilities in the department and of the [~~inmates~~] incarcerated individ-  
20 uals confined therein, and of all matters relating to the government,  
21 discipline, policing, contracts and fiscal concerns thereof. He or she  
22 shall have the power and it shall be his or her duty to inquire into all  
23 matters connected with said correctional facilities. He or she shall  
24 make such rules and regulations, not in conflict with the statutes of  
25 this state, for the government of the officers and other employees of  
26 the department assigned to said facilities, and in regard to the duties  
27 to be performed by them, and for the government and discipline of each  
28 correctional facility, as he or she may deem proper, and shall cause  
29 such rules and regulations to be recorded by the superintendent of the  
30 facility, and a copy thereof to be furnished to each employee assigned  
31 to the facility. He or she shall also prescribe a system of accounts and  
32 records to be kept at each correctional facility, which system shall be  
33 uniform at all of said facilities, and he or she shall also make rules  
34 and regulations for a record of photographs and other means of identify-  
35 ing each [~~inmate~~] incarcerated individual received into said facilities.  
36 He or she shall appoint and remove, subject to the civil service law  
37 [~~and rules~~], subordinate officers and other employees of the department  
38 who are assigned to correctional facilities.

39 2. The commissioner shall have the management and control of persons  
40 released on community supervision and of all matters relating to such  
41 persons' effective reentry into the community, as well as all contracts  
42 and fiscal concerns thereof. The commissioner shall have the power and  
43 it shall be his or her duty to inquire into all matters connected with  
44 said community supervision. The commissioner shall make such rules and  
45 regulations, not in conflict with the statutes of this state, for the  
46 governance of the officers and other employees of the department  
47 assigned to said community supervision, and in regard to the duties to  
48 be performed by them, as he or she deems proper and shall cause such  
49 rules and regulations to be furnished to each employee assigned to  
50 perform community supervision. The commissioner shall also prescribe a  
51 system of accounts and records to be kept, which shall be uniform. The  
52 commissioner shall also make rules and regulations for a record of  
53 photographs and other means of identifying each [~~inmate~~] incarcerated  
54 individual released to community supervision. The commissioner shall  
55 appoint officers and other employees of the department who are assigned  
56 to perform community supervision.

1 4. The commissioner and the chair of the parole board shall work  
2 jointly to develop and implement, as soon as practicable, a risk and  
3 needs assessment instrument or instruments, which shall be empirically  
4 validated, that would be administered to [~~inmates~~] incarcerated individ-  
5 uals upon reception into a correctional facility, and throughout their  
6 incarceration and release to community supervision, to facilitate appro-  
7 priate programming both during an [~~inmate's~~] incarcerated individual's  
8 incarceration and community supervision, and designed to facilitate the  
9 successful integration of [~~inmates~~] incarcerated individuals into the  
10 community.

11 5. (a) The commissioner shall not make or promulgate any policy and/or  
12 regulation requiring an [~~inmate~~] incarcerated individual to waive any  
13 religious right, including, but not limited to, daily prayer as a condi-  
14 tion for participation in any [~~inmate~~] incarcerated individual program  
15 including any such program developed and/or implemented pursuant to  
16 subdivision four of this section including, but not limited to, the  
17 shock program and the industrial training program.

18 (b) Upon request, [~~inmates~~] incarcerated individuals shall be granted  
19 exemptions for activities, including jobs, that coincide with the  
20 Sabbath and other work proscription days, including those set forth in  
21 the religious calendar.

22 § 155. Section 113 of the correction law, as amended by section 20 of  
23 subpart A of part C of chapter 62 of the laws of 2011, is amended to  
24 read as follows:

25 § 113. Absence of [~~inmate~~] incarcerated individual for funeral and  
26 deathbed visits authorized. The commissioner may permit any [~~inmate~~]  
27 incarcerated individual confined by the department except one awaiting  
28 the sentence of death to attend the funeral of his or her father, moth-  
29 er, guardian or former guardian, child, brother, sister, husband, wife,  
30 grandparent, grandchild, ancestral uncle or ancestral aunt within the  
31 state, or to visit such individual during his or her illness if death be  
32 imminent; but the exercise of such power shall be subject to such rules  
33 and regulations as the commissioner shall prescribe, respecting the  
34 granting of such permission, duration of absence from the institution,  
35 custody, transportation and care of the [~~inmate~~] incarcerated  
36 individual, and guarding against escape. Any expense incurred under the  
37 provisions of this section, with respect to any [~~inmate~~] incarcerated  
38 individual permitted to attend a funeral or visit a relative during last  
39 illness, shall be deemed an expense of maintenance of the institution  
40 and be paid from moneys available therefor; but the superintendent, if  
41 the rules and regulations of the commissioner shall so provide, may  
42 allow the [~~inmate~~] incarcerated individual or anyone in his or her  
43 behalf to reimburse the state for such expense.

44 § 156. Section 114 of the correction law, as added by chapter 372 of  
45 the laws of 2018, is amended to read as follows:

46 § 114. Rehabilitation programs for women; to be commensurate to those  
47 afforded men. It shall be the duty of the commissioner to assure an  
48 array of rehabilitation programs are provided among the correctional  
49 facilities in which female [~~inmates~~] incarcerated individuals are  
50 confined, within the appropriations made therefor, including but not  
51 limited to vocational, academic and industrial programs, which are  
52 comparable to the programs provided to male [~~inmates~~] incarcerated indi-  
53 viduals during the course of their incarceration.

54 § 157. Section 116 of the correction law, as amended by section 14 of  
55 subpart B of part C of chapter 62 of the laws of 2011, is amended to  
56 read as follows:

1 § 116. [~~inmates~~] incarcerated individuals' funds. The warden or  
2 superintendent of each of the institutions within the jurisdiction of  
3 the department of corrections and community supervision shall deposit at  
4 least once in each week to his or her credit as such warden, or super-  
5 intendent, in such bank or banks as may be designated by the comp-  
6 troller, all the moneys received by him or her as such warden, or super-  
7 intendent, as [~~inmates~~] incarcerated individuals' funds, and send to  
8 the comptroller and also to the commissioner monthly, a statement show-  
9 ing the amount so received and deposited. Such statement of deposits  
10 shall be certified by the proper officer of the bank receiving such  
11 deposit or deposits. The warden, or superintendent, shall also verify by  
12 his or her affidavit that the sum so deposited is all the money received  
13 by him or her as [~~inmates~~] incarcerated individuals' funds during the  
14 month. Any bank in which such deposits shall be made shall, before  
15 receiving any such deposits, file a bond with the comptroller of the  
16 state, subject to his or her approval, for such sum as he or she shall  
17 deem necessary. Upon a certificate of approval issued by the director  
18 of the budget, pursuant to the provisions of section fifty-three of the  
19 state finance law, the amount of interest, if any, heretofore accrued  
20 and hereafter to accrue on moneys so deposited, heretofore and hereafter  
21 credited to the warden, or superintendent, by the bank from time to  
22 time, shall be available for expenditure by the warden, or superinten-  
23 dent, subject to the direction of the commissioner, for welfare work  
24 among the [~~inmates~~] incarcerated individuals in his or her custody. The  
25 withdrawal of moneys so deposited by such warden, or superintendent, as  
26 [~~inmates~~] incarcerated individuals' funds, including any interest so  
27 credited, shall be subject to his or her check. Each warden, or super-  
28 intendent, shall each month provide the comptroller and also the commis-  
29 sioner with a record of all withdrawals from [~~inmates~~] incarcerated  
30 individuals' funds. As used in this section, the term "[~~inmates~~] incar-  
31 cerated individuals' funds" means the funds in the possession of the  
32 [~~inmate~~] incarcerated individual at the time of his or her admission  
33 into the institution, funds earned by him or her as provided in section  
34 one hundred eighty-seven of this chapter and any other funds received by  
35 him or her or on his or her behalf and deposited with such warden or  
36 superintendent in accordance with the rules and regulations of the  
37 commissioner. Whenever the total unencumbered value of funds in an  
38 [~~inmate's~~] incarcerated individual's account exceeds ten thousand  
39 dollars, the superintendent shall give written notice to the office of  
40 victim services.

41 § 158. Section 119 of the correction law, as amended by chapter 476 of  
42 the laws of 1970, is amended to read as follows:

43 § 119. Daily report concerning [~~inmates~~] incarcerated individuals.  
44 The superintendent of each correctional facility shall make a daily  
45 report to the commissioner of correction, stating the names of all  
46 [~~inmates~~] incarcerated individuals received into the facility during the  
47 preceding day, the counties in which they were tried, the crimes of  
48 which they were convicted, the nature and duration of their sentences,  
49 their former trade, employment or occupation, their habits, color, age,  
50 place of nativity, degree of instruction, and a description of their  
51 persons, and also stating whether any such [~~inmates~~] incarcerated indi-  
52 viduals have ever been confined in any state or county correctional  
53 institution, and if so, stating the offense for which they were  
54 confined, and the duration of their punishment, and also stating in such  
55 report the names of all the [~~inmates~~] incarcerated individuals trans-  
56 ferred or released to the community or delivered to other governmental

1 authority on the preceding day, and all other particulars in relation to  
2 such persons that are required to be stated in relation to the [~~inmates~~]  
3 incarcerated individuals received in the facility.

4 § 159. Subdivision 2 of section 120 of the correction law, as amended  
5 by section 15 of subpart B of part C of chapter 62 of the laws of 2011,  
6 is amended to read as follows:

7 2. Nothing in this section shall limit in any way the authority of the  
8 commissioner, or any county or the city of New York, to enter into any  
9 contract authorized by subdivision eighteen of section two, section  
10 seventy-two-a, section seventy-three, section ninety-five, article  
11 five-A or article twenty-six of this chapter, or to limit the responsi-  
12 bility of the department of corrections and community supervision to  
13 supervise [~~inmates~~] incarcerated individuals or persons released to  
14 community supervision while away from an institution pursuant to section  
15 seventy-two-a, section seventy-three or article twenty-six of this chap-  
16 ter or while confined at a drug treatment campus as defined in subdivi-  
17 sion twenty of section two of this chapter.

18 § 160. Section 121 of the correction law, as added by chapter 202 of  
19 the laws of 2007, is amended to read as follows:

20 § 121. Private ownership or operation of correctional facilities.  
21 Except as otherwise provided in subdivisions two, three and four of  
22 section one hundred twenty of this article or in federal law, the  
23 private operation or management of a correctional facility as defined in  
24 subdivision four of section two of this chapter or a local correctional  
25 facility, as defined in subdivision sixteen of section two of this chap-  
26 ter, the private ownership or operation of a facility for housing state  
27 or local [~~inmates~~] incarcerated individuals or the private ownership or  
28 operation of a facility for the incarceration of other state's [~~inmates~~]  
29 incarcerated individuals is prohibited.

30 § 161. Section 125 of the correction law, as amended by chapter 476 of  
31 the laws of 1970, subdivision 2 as amended by section 21 of subpart A of  
32 part C of chapter 62 of the laws of 2011, and subdivision 3 as amended  
33 by chapter 55 of the laws of 1992, is amended to read as follows:

34 § 125. [~~Inmates'~~] Incarcerated individuals' money, clothing and other  
35 property; what to be furnished them on their release. 1. The superinten-  
36 dent, or an employee covered by bond who is designated by the super-  
37 intendent, of each correctional facility shall take charge of all moneys  
38 and other articles which may be brought to the facility by the [~~inmates~~]  
39 incarcerated individuals, and shall cause the same, immediately upon the  
40 receipt thereof, to be entered among the receipts of the facility; which  
41 money and other articles, whenever the [~~inmate~~] incarcerated individual  
42 from whom the same was received shall be discharged from the custody of  
43 the department, or the same shall be otherwise legally demanded, shall  
44 be returned by the said superintendent to such [~~inmate~~] incarcerated  
45 individual or other person legally entitled to the same, and vouchers  
46 shall be taken therefor. The commissioner shall promulgate rules and  
47 regulations concerning the custody and transfer of such money and other  
48 articles in cases where [~~inmates~~] incarcerated individuals are trans-  
49 ferred from one facility to another.

50 2. The superintendent of each of said facilities shall furnish to each  
51 [~~inmate~~] incarcerated individual who shall be discharged or released  
52 from said facility by pardon, parole, conditional release or otherwise,  
53 except such [~~inmates~~] incarcerated individuals as are released for  
54 return for resentencing or new trial or upon a certificate of reasonable  
55 doubt, and except such [~~inmates~~] incarcerated individuals who are  
56 released to participate in a program outside the facility who are

1 required to return to the facility, suitable clothing adapted to the  
2 season in which he or she is discharged not to exceed sixty-five dollars  
3 in value and transportation to the county of his or her conviction or to  
4 such other place as the commissioner may designate. In addition, the  
5 commissioner shall take such steps as are necessary to ensure that  
6 [~~inmates~~] incarcerated individuals have at least forty dollars available  
7 upon release.

8 3. In any case where an [~~inmate~~] incarcerated individual is not enti-  
9 tled to receive clothing and transportation under subdivision two of  
10 this section, the superintendent, in his or her discretion, but subject  
11 to the rules of the department, may furnish an [~~inmate~~] incarcerated  
12 individual who is released from a facility with clothing or transporta-  
13 tion not in excess of the value for each item specified in subdivision  
14 two of this section.

15 § 162. Section 130 of the correction law, as amended by chapter 476 of  
16 the laws of 1970, is amended to read as follows:

17 § 130. Custody of [~~inmate~~] incarcerated individual sentenced to death  
18 and commuted by governor. The commissioner shall designate appropriate  
19 correctional facilities to receive, on the order of the governor, any  
20 person convicted of any crime punishable by death, or who shall be  
21 pardoned, on condition of being confined either for life or a term of  
22 years in a correctional facility, and such person shall be confined  
23 according to the terms of such condition.

24 § 163. Section 132 of the correction law, as amended by chapter 843 of  
25 the laws of 1980, is amended to read as follows:

26 § 132. Retaking of an escaped [~~inmate~~] incarcerated individual. If an  
27 [~~inmate~~] incarcerated individual escapes from a correctional facility,  
28 he or she may be arrested and returned by the superintendent or by an  
29 officer or employee of the department or by any peace officer, acting  
30 pursuant to his or her special duties, or police officer without a  
31 warrant; or a magistrate may cause such escaped [~~inmate~~] incarcerated  
32 individual to be arrested and held in custody until he or she can be  
33 removed to a correctional facility, as in the case of a commitment.  
34 Rewards for the taking of such escaped [~~inmates~~] incarcerated individ-  
35 uals may be provided for by the rules of the department.

36 § 164. Section 133 of the correction law, as amended by chapter 550 of  
37 the laws of 1978, is amended to read as follows:

38 § 133. Superintendent to report concerning [~~inmate~~] incarcerated indi-  
39 vidual believed mentally ill when crime was committed. Whenever the  
40 superintendent of a correctional facility shall have reason to believe  
41 that any [~~inmate~~] incarcerated individual in the facility was mentally  
42 ill at the time he or she committed the offense for which he or she was  
43 sentenced, such superintendent shall communicate in writing to the  
44 commissioner of correction his or her reason for such opinion, and shall  
45 refer the commissioner of correction to all the sources of information  
46 with which he or she may be acquainted in relation to the mental illness  
47 of such [~~inmate~~] incarcerated individual. The commissioner of correction  
48 shall then transmit such opinion and information to the governor with  
49 his or her recommendations thereon.

50 § 165. Section 136 of the correction law, as amended by chapter 431 of  
51 the laws of 2015, is amended to read as follows:

52 § 136. Correctional education. 1. The objective of correctional educa-  
53 tion in its broadest sense should be the socialization of the [~~inmates~~]  
54 incarcerated individuals through varied impressional and expressional  
55 activities, with emphasis on individual [~~inmate~~] incarcerated individual  
56 needs. The objective of this program shall be the return of these

1 [~~inmates~~] incarcerated individuals to society with a more wholesome  
2 attitude toward living, with a desire to conduct themselves as good  
3 citizens, and with the skill and knowledge which will give them a  
4 reasonable chance to maintain themselves and their dependents through  
5 honest labor. To this end each [~~inmate~~] incarcerated individual shall be  
6 given a program of education which, on the basis of available data,  
7 seems most likely to further the process of socialization and rehabili-  
8 tation. Provided that, the commissioner, in consultation with the  
9 commissioner of education, shall develop a curricula for and require  
10 provision of an education program to all [~~inmates~~] incarcerated individ-  
11 ual, on a periodic basis, on the consequences and prevention of shaken  
12 baby syndrome which may include the viewing of a video presentation  
13 thereon. The time daily devoted to such education shall be such as is  
14 required for meeting the above objectives. The director of education,  
15 subject to the direction of the commissioner and after consultation with  
16 the commissioner of education, shall develop the curricula and the  
17 education programs that are required to meet the special needs of each  
18 correctional facility in the department. The commissioner of education,  
19 in cooperation with the commissioner and the director of education,  
20 shall set up the educational requirements for the certification of  
21 teachers in all such correctional facilities. Such educational require-  
22 ments shall be sufficiently broad and comprehensive to include training  
23 in penology, sociology, psychology, philosophy, in the special subjects  
24 to be taught, and in any other professional courses as may be deemed  
25 necessary by the responsible officers, and shall include training relat-  
26 ing to the consequences and prevention of shaken baby syndrome which may  
27 include the viewing of a video presentation thereon. No certificates for  
28 teaching service in the state institutions shall be issued unless a  
29 minimum of four years of training beyond the high school has been  
30 secured, or an acceptable equivalent. Existing requirements for the  
31 certification of teachers in the institutions shall continue in force  
32 until changed pursuant to the provisions of this section.

33 2. All [~~inmates~~] incarcerated individuals admitted to the department  
34 serving a determinate term of imprisonment, or an indeterminate sentence  
35 of imprisonment other than a sentence of life imprisonment without  
36 parole, who have been evaluated upon admission pursuant to subdivision  
37 one of section one hundred thirty-seven of this article and are deter-  
38 mined to be capable of successfully completing the academic course work  
39 required for the test assessing secondary completion, shall be provided  
40 with the opportunity to complete such course work at least two months  
41 prior to the date on which such [~~inmate~~] incarcerated individual may be  
42 paroled, conditionally released, released to post-release supervision  
43 pursuant to section 70.40 of the penal law, or presumptively released,  
44 pursuant to section eight hundred three of this chapter. Upon admission  
45 to the department, such [~~inmates~~] incarcerated individuals will be  
46 provided with written notice that the test assessing secondary  
47 completion programs are available for all [~~inmates~~] incarcerated indi-  
48 viduals who so apply.

49 3. The department shall ensure that academic education programs which  
50 provide the appropriate curriculum and certified academic staff for the  
51 test assessing secondary completion instruction are available at all  
52 correctional facilities housing [~~inmates~~] incarcerated individuals who  
53 are eligible as specified in subdivision two of this section. The  
54 department shall provide academic staff who are qualified to provide  
55 such instruction and who are members of the competitive class of the  
56 civil service of New York state. The department shall develop a plan for



1 implementation of the test assessing secondary completion requirement  
2 which shall be presented to the assembly standing committee on  
3 correction and the senate standing committee on crime victims, crime and  
4 correction on or before April first, two thousand nineteen.

5 § 166. Section 137 of the correction law, as added by section 476 of  
6 the laws of 1970, subdivision 1 as amended by chapter 476 of the laws of  
7 2017, subdivision 6 as amended by chapter 490 of the laws of 1974, the  
8 opening paragraph and paragraph (f) of subdivision 6 as amended and  
9 paragraphs (d) and (e) of subdivision b of subdivision 6 as added by  
10 chapter 1 of the laws of 2008, paragraph (g) of subdivision 6 as added  
11 by chapter 261 of the laws of 2019, is amended to read as follows:

12 § 137. Program of treatment, control, discipline at correctional  
13 facilities. 1. The commissioner shall establish program and classifica-  
14 tion procedures designed to assure the complete study of the background  
15 and condition of each [~~inmate~~] incarcerated individual in the care or  
16 custody of the department and the assignment of such [~~inmate~~] incarcer-  
17 ated individual to a program that is most likely to be useful in assist-  
18 ing him or her to refrain from future violations of the law. Such proce-  
19 dures shall be incorporated into the rules and regulations of the  
20 department and shall require among other things: consideration of the  
21 physical, mental and emotional condition of the [~~inmate~~] incarcerated  
22 individual; consideration of his or her educational and vocational  
23 needs; enrollment of each [~~inmate~~] incarcerated individual in assigned  
24 programs as soon as practicable; consideration of the danger he or she  
25 presents to the community or to other [~~inmates~~] incarcerated  
26 individuals; the recording of continuous case histories including  
27 notations as to apparent success or failure of treatment employed; and  
28 periodic review of case histories and treatment methods used.

29 2. The commissioner shall provide for such measures as he or she may  
30 deem necessary or appropriate for the safety, security and control of  
31 correctional facilities and the maintenance of order therein.

32 3. Each [~~inmate~~] incarcerated individual shall be entitled to clothing  
33 suited to the season and weather conditions and to a sufficient quantity  
34 of wholesome and nutritious food. To the extent practicable, the cloth-  
35 ing and bedding of [~~inmates~~] incarcerated individuals shall be manufac-  
36 tured and laundered in institutions in the department.

37 4. Whenever there shall be a sufficient number of cells or rooms in a  
38 correctional facility, each [~~inmate~~] incarcerated individual shall be  
39 given sleeping accommodations in a separate cell or room, provided,  
40 however, that nothing herein contained shall be construed so as to limit  
41 the right of the department to utilize dormitory-type accommodations  
42 where necessary or where appropriate to a program of treatment.

43 5. No [~~inmate~~] incarcerated individual in the care or custody of the  
44 department shall be subjected to degrading treatment, and no officer or  
45 other employee of the department shall inflict any blows whatever upon  
46 any [~~inmate~~] incarcerated individual, unless in self defense, or to  
47 suppress a revolt or insurrection. When any [~~inmate~~] incarcerated indi-  
48 vidual, or group of [~~inmates~~] incarcerated individuals, shall offer  
49 violence to any person, or do or attempt to do any injury to property,  
50 or attempt to escape, or resist or disobey any lawful direction, the  
51 officers and employees shall use all suitable means to defend them-  
52 selves, to maintain order, to enforce observation of discipline, to  
53 secure the persons of the offenders and to prevent any such attempt or  
54 escape.

55 6. Except as provided in paragraphs (d) and (e) of this subdivision,  
56 the superintendent of a correctional facility may keep any [~~inmate~~]

1 incarcerated individual confined in a cell or room, apart from the  
2 accommodations provided for [~~inmates~~] incarcerated individuals who are  
3 participating in programs of the facility, for such period as may be  
4 necessary for maintenance of order or discipline, but in any such case  
5 the following conditions shall be observed:

6 (a) The [~~inmate~~] incarcerated individual shall be supplied with a  
7 sufficient quantity of wholesome and nutritious food, provided, however,  
8 that such food need not be the same as the food supplied to [~~inmates~~]  
9 incarcerated individuals who are participating in programs of the facil-  
10 ity;

11 (b) Adequate sanitary and other conditions required for the health of  
12 the [~~inmate~~] incarcerated individual shall be maintained;

13 (c) Where such confinement is for a period in excess of twenty-four  
14 hours, the superintendent shall arrange for the facility health services  
15 director, or a registered nurse or physician's associate approved by the  
16 facility health services director to visit such [~~inmate~~] incarcerated  
17 individual at the expiration of twenty-four hours and at least once in  
18 every twenty-four hour period thereafter, during the period of such  
19 confinement, to examine into the state of health of the [~~inmate~~] incar-  
20 cerated individual, and the superintendent shall give full consideration  
21 to any recommendation that may be made by the facility health services  
22 director for measures with respect to dietary needs or conditions of  
23 confinement of such [~~inmate~~] incarcerated individual required to main-  
24 tain the health of such [~~inmate~~] incarcerated individual; and

25 (d) (i) Except as set forth in clause (E) of subparagraph (ii) of this  
26 paragraph, the department, in consultation with mental health clini-  
27 cians, shall divert or remove [~~inmates~~] incarcerated individuals with  
28 serious mental illness, as defined in paragraph (e) of this subdivision,  
29 from segregated confinement, where such confinement could potentially be  
30 for a period in excess of thirty days, to a residential mental health  
31 treatment unit. Nothing in this paragraph shall be deemed to prevent  
32 the disciplinary process from proceeding in accordance with department  
33 rules and regulations for disciplinary hearings.

34 (ii) (A) Upon placement of an [~~inmate~~] incarcerated individual into  
35 segregated confinement at a level one or level two facility, a suicide  
36 prevention screening instrument shall be administered by staff from the  
37 department or the office of mental health who has been trained for that  
38 purpose. If such a screening instrument reveals that the [~~inmate~~] incar-  
39 cerated individual is at risk of suicide, a mental health clinician  
40 shall be consulted and appropriate safety precautions shall be taken.  
41 Additionally, within one business day of the placement of such an  
42 [~~inmate~~] incarcerated individual into segregated confinement at a level  
43 one or level two facility, the [~~inmate~~] incarcerated individual shall be  
44 assessed by a mental health clinician.

45 (B) Upon placement of an [~~inmate~~] incarcerated individual into segre-  
46 gated confinement at a level three or level four facility, a suicide  
47 prevention screening instrument shall be administered by staff from the  
48 department or the office of mental health who has been trained for that  
49 purpose. If such a screening instrument reveals that the [~~inmate~~] incar-  
50 cerated individual is at risk of suicide, a mental health clinician  
51 shall be consulted and appropriate safety precautions shall be taken.  
52 All [~~inmates~~] incarcerated individuals placed in segregated confinement  
53 at a level three or level four facility shall be assessed by a mental  
54 health clinician, within fourteen days of such placement into segregated  
55 confinement.

1 (C) At the initial assessment, if the mental health clinician finds  
2 that an [~~inmate~~] incarcerated individual suffers from a serious mental  
3 illness, a recommendation shall be made whether exceptional circum-  
4 stances, as described in clause (E) of this subparagraph, exist. In a  
5 facility with a joint case management committee, such recommendation  
6 shall be made by such committee. In a facility without a joint case  
7 management committee, the recommendation shall be made jointly by a  
8 committee consisting of the facility's highest ranking mental health  
9 clinician, the deputy superintendent for security, and the deputy super-  
10 intendent for program services, or their equivalents. Any such recommen-  
11 dation shall be reviewed by the joint central office review committee.  
12 The administrative process described in this clause shall be completed  
13 within fourteen days of the initial assessment, and if the result of  
14 such process is that the [~~inmate~~] incarcerated individual should be  
15 removed from segregated confinement, such removal shall occur as soon as  
16 practicable, but in no event more than seventy-two hours from the  
17 completion of the administrative process.

18 (D) If an [~~inmate~~] incarcerated individual with a serious mental  
19 illness is not diverted or removed to a residential mental health treat-  
20 ment unit, such [~~inmate~~] incarcerated individual shall be reassessed by  
21 a mental health clinician within fourteen days of the initial assessment  
22 and at least once every fourteen days thereafter. After each such addi-  
23 tional assessment, a recommendation as to whether such [~~inmate~~] incar-  
24 cerated individual should be removed from segregated confinement shall  
25 be made and reviewed according to the process set forth in clause (C) of  
26 this subparagraph.

27 (E) A recommendation or determination whether to remove an [~~inmate~~]  
28 incarcerated individual from segregated confinement shall take into  
29 account the assessing mental health clinicians' opinions as to the  
30 [~~inmate's~~] incarcerated individual's mental condition and treatment  
31 needs, and shall also take into account any safety and security concerns  
32 that would be posed by the [~~inmate's~~] incarcerated individual's removal,  
33 even if additional restrictions were placed on the [~~inmate's~~] incar-  
34 ated individual's access to treatment, property, services or privileges  
35 in a residential mental health treatment unit. A recommendation or  
36 determination shall direct the [~~inmate's~~] incarcerated individual's  
37 removal from segregated confinement except in the following exceptional  
38 circumstances: (1) when the reviewer finds that removal would pose a  
39 substantial risk to the safety of the [~~inmate~~] incarcerated individual  
40 or other persons, or a substantial threat to the security of the facili-  
41 ty, even if additional restrictions were placed on the [~~inmate's~~] incar-  
42 cerated individual's access to treatment, property, services or privi-  
43 leges in a residential mental health treatment unit; or (2) when the  
44 assessing mental health clinician determines that such placement is in  
45 the [~~inmate's~~] incarcerated individual's best interests based on his or  
46 her mental condition and that removing such [~~inmate~~] incarcerated indi-  
47 vidual to a residential mental health treatment unit would be detri-  
48 mental to his or her mental condition. Any determination not to remove  
49 an [~~inmate~~] incarcerated individual with serious mental illness from  
50 segregated confinement shall be documented in writing and include the  
51 reasons for the determination.

52 (iii) [~~Inmates~~] Incarcerated individuals with serious mental illness  
53 who are not diverted or removed from segregated confinement shall be  
54 offered a heightened level of care, involving a minimum of two hours  
55 each day, five days a week, of out-of-cell therapeutic treatment and

1 programming. This heightened level of care shall not be offered only in  
2 the following circumstances:

3 (A) The heightened level of care shall not apply when an [~~inmate~~]  
4 incarcerated individual with serious mental illness does not, in the  
5 reasonable judgment of a mental health clinician, require the heightened  
6 level of care. Such determination shall be documented with a written  
7 statement of the basis of such determination and shall be reviewed by  
8 the Central New York Psychiatric Center clinical director or his or her  
9 designee. Such a determination is subject to change should the  
10 [~~inmate's~~] incarcerated individual's clinical status change. Such deter-  
11 mination shall be reviewed and documented by a mental health clinician  
12 every thirty days, and in consultation with the Central New York Psychi-  
13 atric Center clinical director or his or her designee not less than  
14 every ninety days.

15 (B) The heightened level of care shall not apply in exceptional  
16 circumstances when providing such care would create an unacceptable risk  
17 to the safety and security of [~~inmates~~] incarcerated individuals or  
18 staff. Such determination shall be documented by security personnel  
19 together with the basis of such determination and shall be reviewed by  
20 the facility superintendent, in consultation with a mental health clini-  
21 cian, not less than every seven days for as long as the [~~inmate~~] incar-  
22 cerated individual remains in segregated confinement. The facility shall  
23 attempt to resolve such exceptional circumstances so that the heightened  
24 level of care may be provided. If such exceptional circumstances remain  
25 unresolved for thirty days, the matter shall be referred to the joint  
26 central office review committee for review.

27 (iv) [~~Inmates~~] Incarcerated individuals with serious mental illness  
28 who are not diverted or removed from segregated confinement shall not be  
29 placed on a restricted diet, unless there has been a written determi-  
30 nation that the restricted diet is necessary for reasons of safety and  
31 security. If a restricted diet is imposed, it shall be limited to seven  
32 days, except in the exceptional circumstances where the joint case  
33 management committee determines that limiting the restricted diet to  
34 seven days would pose an unacceptable risk to the safety and security of  
35 [~~inmates~~] incarcerated individuals or staff. In such case, the need for  
36 a restricted diet shall be reassessed by the joint case management  
37 committee every seven days.

38 (v) All [~~inmates~~] incarcerated individuals in segregated confinement  
39 in a level one or level two facility who are not assessed with a serious  
40 mental illness at the initial assessment shall be offered at least one  
41 interview with a mental health clinician within fourteen days of their  
42 initial mental health assessment, and additional interviews at least  
43 every thirty days thereafter, unless the mental health clinician at the  
44 most recent interview recommends an earlier interview or assessment. All  
45 [~~inmates~~] incarcerated individuals in segregated confinement in a level  
46 three or level four facility who are not assessed with a serious mental  
47 illness at the initial assessment shall be offered at least one inter-  
48 view with a mental health clinician within thirty days of their initial  
49 mental health assessment, and additional interviews at least every nine-  
50 ty days thereafter, unless the mental health clinician at the most  
51 recent interview recommends an earlier interview or assessment.

52 (e) An [~~inmate~~] incarcerated individual has a serious mental illness  
53 when he or she has been determined by a mental health clinician to meet  
54 at least one of the following criteria:

55 (i) he or she has a current diagnosis of, or is diagnosed at the  
56 initial or any subsequent assessment conducted during the [~~inmate's~~]

1 incarcerated individual's segregated confinement with, one or more of  
2 the following types of Axis I diagnoses, as described in the most recent  
3 edition of the Diagnostic and Statistical Manual of Mental Disorders,  
4 and such diagnoses shall be made based upon all relevant clinical  
5 factors, including but not limited to symptoms related to such diag-  
6 noses:

- 7 (A) schizophrenia (all sub-types),
- 8 (B) delusional disorder,
- 9 (C) schizophreniform disorder,
- 10 (D) schizoaffective disorder,
- 11 (E) brief psychotic disorder,
- 12 (F) substance-induced psychotic disorder (excluding intoxication and  
13 withdrawal),
- 14 (G) psychotic disorder not otherwise specified,
- 15 (H) major depressive disorders, or
- 16 (I) bipolar disorder I and II;

17 (ii) he or she is actively suicidal or has engaged in a recent, seri-  
18 ous suicide attempt;

19 (iii) he or she has been diagnosed with a mental condition that is  
20 frequently characterized by breaks with reality, or perceptions of real-  
21 ity, that lead the individual to experience significant functional  
22 impairment involving acts of self-harm or other behavior that have a  
23 seriously adverse effect on life or on mental or physical health;

24 (iv) he or she has been diagnosed with an organic brain syndrome that  
25 results in a significant functional impairment involving acts of self-  
26 harm or other behavior that have a seriously adverse effect on life or  
27 on mental or physical health;

28 (v) he or she has been diagnosed with a severe personality disorder  
29 that is manifested by frequent episodes of psychosis or depression, and  
30 results in a significant functional impairment involving acts of self-  
31 harm or other behavior that have a seriously adverse effect on life or  
32 on mental or physical health; or

33 (vi) he or she has been determined by a mental health clinician to  
34 have otherwise substantially deteriorated mentally or emotionally while  
35 confined in segregated confinement and is experiencing significant func-  
36 tional impairment indicating a diagnosis of serious mental illness and  
37 involving acts of self-harm or other behavior that have a serious  
38 adverse effect on life or on mental or physical health.

39 (f) The superintendent shall make a full report to the commissioner at  
40 least once a week concerning the condition of such [~~inmate~~] incarcerated  
41 individual and shall forthwith report to the commissioner any recommen-  
42 dation relative to health maintenance or health care delivery made by  
43 the facility health services director and any recommendation relative to  
44 mental health treatment or confinement of an [~~inmate~~] incarcerated indi-  
45 vidual with a serious mental illness made by the mental health clinician  
46 pursuant to paragraphs (d) and (e) of this subdivision that is not  
47 endorsed or carried out, as the case may be, by the superintendent.

48 (g) Within twenty-four hours of disciplinary confinement, keeplock  
49 pending a disciplinary hearing, placement in a segregated confinement  
50 unit for administrative purposes, or placement in a residential mental  
51 health treatment unit, and at weekly intervals thereafter for the dura-  
52 tion of such confinement, an [~~inmate~~] incarcerated individual shall be  
53 permitted to make at least one personal phone call, except when to do so  
54 would create an unacceptable risk to the safety and security of  
55 [~~inmates~~] incarcerated individuals or staff.

1 § 167. Section 138 of the correction law, as added by chapter 231 of  
2 the laws of 1975, and subdivision 6 as amended by section 22 of subpart  
3 A of part C of chapter 62 of the laws of 2011, is amended to read as  
4 follows:

5 § 138. Institutional rules and regulations for [~~inmates~~] incarcerated  
6 individuals at all correctional facilities. 1. All institutional rules  
7 and regulations defining and prohibiting [~~inmates~~] incarcerated individ-  
8 uals misconduct shall be published and posted in prominent locations  
9 within the institution and set forth in both the English and Spanish  
10 language.

11 2. All [~~inmates~~] incarcerated individuals shall be provided with writ-  
12 ten copies of these rules and regulations upon admission to the institu-  
13 tion and all [~~inmates~~] incarcerated individuals presently incarcerated  
14 in a correctional facility shall be provided with written copies of  
15 these rules and regulations.

16 3. Facility rules shall be specific and precise giving all [~~inmates~~]  
17 incarcerated individuals actual notice of the conduct prohibited. Facil-  
18 ity rules shall state the range of disciplinary sanctions which can be  
19 imposed for violation of each rule.

20 4. [~~Inmates~~] Incarcerated individuals shall not be disciplined for  
21 making written or oral statements, demands, or requests involving a  
22 change of institutional conditions, policies, rules, regulations, or  
23 laws affecting an institution.

24 5. No [~~inmate~~] incarcerated individual shall be disciplined except for  
25 a violation of a published and posted written rule or regulation, a copy  
26 of which has been provided the [~~inmate~~] incarcerated individual.

27 6. All rules and regulations pertaining to [~~inmates~~] incarcerated  
28 individuals established by the department of corrections and community  
29 supervision and all rules and regulations pertaining to [~~inmates~~] incar-  
30 cerated individuals established by any institutional staff at any state  
31 correctional facility shall be reviewed annually by the commissioner of  
32 the department of corrections and community supervision.

33 § 168. Subdivisions 1 and 5 of section 139 of the correction law,  
34 subdivision 1 as amended by chapter 867 of the laws of 1975 and subdivi-  
35 sion 5 as added by chapter 373 of the laws of 1990, are amended to read  
36 as follows:

37 1. The commissioner shall establish, in each correctional institution  
38 under his or her jurisdiction, grievance resolution committees to  
39 resolve grievances of persons within such correctional institution.  
40 Such grievance resolution committees shall consist of five persons four  
41 of whom shall be entitled to vote, two of whom shall be [~~inmates~~] incar-  
42 cerated individuals of such correctional institution, and a non-voting  
43 chairman.

44 5. The commissioner shall semi-annually report to the chairmen of the  
45 senate codes and crime and corrections committees and the assembly codes  
46 and correction committees on the nature and type of [~~inmate~~] incarcerat-  
47 ed individual grievances and unusual incidents, by facility.

48 § 169. Subdivisions 1, 3 and 4 of section 140 of the correction law,  
49 as added by chapter 516 of the laws of 1995, are amended to read as  
50 follows:

51 1. Where an [~~inmate~~] incarcerated individual who is not yet eighteen  
52 years of age has been committed or transferred to the custody of the  
53 department and no medical consent has been obtained prior to commitment  
54 or transfer, the commitment order shall be deemed to grant to the minor  
55 the capacity to consent to routine medical, dental and mental health  
56 services and treatment to such an individual.

1 3. (a) At any time prior to the date the [~~inmate~~] incarcerated indi-  
2 vidual becomes eighteen years of age, the [~~inmate's~~] incarcerated indi-  
3 vidual's parent or legal guardian may institute legal proceedings pursu-  
4 ant to section 70.20 of the penal law objecting to the provision of  
5 routine medical, dental or mental health services and treatment being  
6 provided to the [~~inmate~~] incarcerated individual.

7 (b) Such notice of motion shall be served on the [~~inmate~~] incarcerated  
8 individual, the facility and the department not less than seven days  
9 prior to the return date of the motion. The persons on whom the notice  
10 of motion is served shall answer the motion not less than two days  
11 before the return date. On examining the motion and answer and, in its  
12 discretion, after hearing argument, the court shall enter an order,  
13 granting or denying the motion.

14 4. Nothing in this section shall preclude an [~~inmate~~] incarcerated  
15 individual from consenting on his or her own behalf to any medical,  
16 dental or mental health service and treatment where otherwise authorized  
17 by law to do so.

18 § 170. Section 141 of the correction law, as amended by chapter 476 of  
19 the laws of 1970, is amended to read as follows:

20 § 141. Contagious disease in facility. In case any pestilence or  
21 contagious disease shall break out among the [~~inmates~~] incarcerated  
22 individuals in any of the correctional facilities, or in the vicinity of  
23 such facilities, the commissioner of correction may cause the [~~inmates~~]  
24 incarcerated individuals confined in such facility, or any of them, to  
25 be removed to some suitable place of security, where such of them as may  
26 be sick shall receive all necessary care and medical assistance; such  
27 [~~inmates~~] incarcerated individuals shall be returned as soon as may be  
28 feasible to the facility from which they were taken, to be confined  
29 therein according to their respective sentences.

30 § 171. Section 142 of the correction law, as amended by chapter 476 of  
31 the laws of 1970, is amended to read as follows:

32 § 142. Fire in facility. Whenever by reason of any correctional  
33 facility, or any building contiguous to such facility, being on fire,  
34 there shall be reason to apprehend that the [~~inmates~~] incarcerated indi-  
35 viduals may be injured or endangered by such fire, or may escape, it  
36 shall be the duty of the superintendent of such facility to remove such  
37 [~~inmates~~] incarcerated individuals to some safe and convenient place,  
38 and there confine them until the necessity of such removal shall have  
39 ceased.

40 § 172. Section 143 of the correction law, as added by chapter 476 of  
41 the laws of 1970, is amended to read as follows:

42 § 143. Custody of persons convicted of crimes against the United  
43 States. The commissioner is authorized to enter into agreements for the  
44 care and custody of persons convicted and sentenced to imprisonment by  
45 the United States courts in this state. Persons may be confined in  
46 correctional facilities pursuant to any such agreement and all  
47 provisions of law applicable to the care and custody of [~~inmates~~] incar-  
48 cerated individuals sentenced by courts of this state, except provisions  
49 governing the duration of sentence and other related incidents of the  
50 sentence provided by federal law, shall apply to the care and custody of  
51 such persons.

52 § 173. Subdivision 2 of section 146 of the correction law, as added by  
53 section 3 of part E of chapter 56 of the laws of 2005, is amended to  
54 read as follows:

55 2. Notwithstanding any other provision of law to the contrary, on each  
56 September thirteenth anniversary date of the nineteen hundred seventy-

1 one retaking of Attica correctional facility, in the absence of an emer-  
2 gency situation or other exigent circumstance, the commissioner shall  
3 ensure that any surviving state employees who were held as hostages and  
4 any immediate family members, as that term is defined in subdivision  
5 four of section 120.40 of the penal law, of any of the state employees  
6 who were held hostage for any period by rioting [~~inmates~~] incarcerated  
7 individuals during the period from September ninth through September  
8 thirteenth, nineteen hundred seventy-one, shall be afforded access to  
9 the outside grounds of Attica correctional facility to conduct a private  
10 commemorative ceremony in front of the Attica monument upon which are  
11 inscribed the names of employees who died as a result of the uprising  
12 and subsequent retaking.

13 § 174. Section 147 of the correction law, as amended by chapter 476 of  
14 the laws of 1970, is amended to read as follows:

15 § 147. Alien [~~inmates~~] incarcerated individuals of correctional facil-  
16 ities. The commissioner shall within three months after admission of an  
17 alien [~~inmate~~] incarcerated individual to a correctional facility cause  
18 an investigation to be made of the record and past history of such alien  
19 and shall upon the termination of such investigation cause the record of  
20 such alien, together with all facts disclosed by such investigation, and  
21 his or her recommendations as to deportation, to be forwarded to the  
22 United States immigration authorities having such matters in charge.

23 § 175. Section 148 of the correction law, as amended by section 17 of  
24 subpart B of part C of chapter 62 of the laws of 2011, is amended to  
25 read as follows:

26 § 148. Psychiatric and diagnostic clinics. The commissioner of  
27 corrections and community supervision is hereby authorized and directed  
28 to assist and cooperate with the commissioner of mental health in the  
29 establishment and conduct of such psychiatric and diagnostic clinics in  
30 the institutions and facilities under their jurisdiction as such commis-  
31 sioners may deem necessary within the amount appropriated therefor. The  
32 persons conducting the work of such clinics shall determine the physical  
33 and mental condition of all [~~inmates~~] incarcerated individuals serving  
34 an indeterminate term, having a minimum of one day and a maximum of  
35 natural life, and of such other [~~inmates~~] incarcerated individuals whose  
36 criminal record, behavior or other factors indicate to those in charge  
37 of such clinics the need of study and treatment. The work of the clinics  
38 shall include scientific study and psychiatric evaluation of each such  
39 [~~inmate~~] incarcerated individual, including his or her career and life  
40 history, investigation of the cause of the crime and recommendations for  
41 the care, training and employment of such [~~inmates~~] incarcerated indi-  
42 viduals with a view to their reformation and to the protection of socie-  
43 ty. Each of the different phases of the work of the clinics shall be so  
44 coordinated with all the other phases of clinic work as to be a part of  
45 a unified and comprehensive scheme in the study and treatment of such  
46 [~~inmates~~] incarcerated individuals. After classification in the clinics  
47 the [~~inmate~~] incarcerated individual sentenced to state prison shall be  
48 certified to the warden and recommendation made to the commissioner of  
49 corrections and community supervision as to their disposition.

50 § 176. Section 149 of the correction law, as amended by chapter 302 of  
51 the laws of 2008, is amended to read as follows:

52 § 149. Released [~~inmates~~] incarcerated individuals; notification to  
53 sheriff, police, and district attorney. In the case of any [~~inmate~~]  
54 incarcerated individual convicted of a felony, it shall be the duty of  
55 the department at least forty-eight hours prior to the release of any  
56 such [~~inmate~~] incarcerated individual from a correctional facility to



1 notify the chief of police both of the city, town or village in which  
2 such [inmate] incarcerated individual proposes to reside and of the  
3 city, town or village in which such [inmate] incarcerated individual  
4 resided at the time of his or her conviction and the district attorney  
5 of the county where the offense for which the [inmate] incarcerated  
6 individual is incarcerated was prosecuted, of the contemplated release  
7 of such [inmate] incarcerated individual, informing such chief of police  
8 and the district attorney of the name and aliases of the [inmate] incar-  
9 cerated individual, the address at which he or she proposes to reside,  
10 the amount of time remaining to be served, if any, on the full term for  
11 which he or she was sentenced, and the nature of the crime for which he  
12 or she was sentenced, transmitting at the same time to the chief of  
13 police a copy of such [inmate's] incarcerated individual's fingerprints  
14 and photograph. Where such [inmate] incarcerated individual proposes to  
15 reside outside of a city, such notification shall be sent to the sheriff  
16 of the county in which such [inmate] incarcerated individual proposes to  
17 reside. Such notification may be provided by electronic transmission to  
18 those willing jurisdictions that have the capability of receiving elec-  
19 tronic transmission notification. Any chief of police or sheriff who  
20 receives notification of a released [inmate] incarcerated individual  
21 pursuant to this section may request and receive from the division of  
22 criminal justice services a report containing a summary of such  
23 [inmate's] incarcerated individual's criminal record.

24 § 177. Section 170 of the correction law, as amended by chapter 166 of  
25 the laws of 1991, subdivision 1 as amended by chapter 371 of the laws of  
26 2012 and subdivision 3 as added by chapter 256 of the laws of 2010, is  
27 amended to read as follows:

28 § 170. Contracts prohibited. 1. The commissioner shall not, nor shall  
29 any other authority whatsoever, make any contract by which the labor or  
30 time of any [inmate] incarcerated individual in any state or local  
31 correctional facility in this state, or the product or profit of his or  
32 her work, shall be contracted, let, farmed out, given or sold to any  
33 person, firm, association or corporation; except that the [inmates]  
34 incarcerated individuals in said correctional institutions may work for,  
35 and the products of their labor may be disposed of to, the state or any  
36 political subdivision thereof, any public institution owned or managed  
37 and controlled by the state, or any political subdivision thereof,  
38 provided that no [inmate] incarcerated individual shall be employed or  
39 assigned to engage in any activity that involves obtaining access to,  
40 collecting or processing social security account numbers of other indi-  
41 viduals.

42 2. Notwithstanding any other provision of law, it shall be lawful for  
43 an [inmate] incarcerated individual of the department to work in an  
44 institution of the department in the manufacture and production of  
45 goods, including but not limited to, license plates, identification  
46 plates and insignia for vehicles, and for the department to sell or  
47 otherwise dispose of for profit such goods to the government of the  
48 United States or to any state of the United States, or political subdi-  
49 vision thereof, or any public corporation or eleemosynary association or  
50 corporation funded in whole or in part by any federal, state or local  
51 funds.

52 3. Notwithstanding any other provision of law, an [inmate] incarcerat-  
53 ed individual may be permitted to leave the institution under guard to  
54 voluntarily perform work for a nonprofit organization. As used in this  
55 section, the term "nonprofit organization" means an organization oper-  
56 ated exclusively for religious, charitable, or educational purposes, no

1 part of the net earnings of which inures to the benefit of any private  
2 shareholder or individual.

3 § 178. The section heading and subdivision 1 of section 171 of the  
4 correction law, the section heading as amended by chapter 364 of the  
5 laws of 1983 and subdivision 1 as amended by section 24 of subpart A of  
6 part C of chapter 62 of the laws of 2011, are amended to read as  
7 follows:

8 [~~Inmates~~] Incarcerated individuals to be employed; products of labor  
9 of [~~inmates~~] incarcerated individuals. 1. The commissioner and the  
10 superintendents and officials of all penitentiaries in the state may  
11 cause [~~inmates~~] incarcerated individuals in the state correctional  
12 facilities and such penitentiaries who are physically capable thereof to  
13 be employed for not to exceed eight hours of each day other than Sundays  
14 and public holidays. Notwithstanding any other provision of this  
15 section, however, the commissioner and superintendents of state correc-  
16 tional facilities may employ [~~inmates~~] incarcerated individuals on a  
17 volunteer basis on Sundays and public holidays in specialized areas of  
18 the facility, including kitchen areas, vehicular garages, rubbish pickup  
19 and grounds maintenance, providing, however, that [~~inmates~~] incarcerated  
20 individuals so employed shall be allowed an alternative free day within  
21 the normal work week.

22 § 179. The section heading and subdivisions 1, 2, 3, 4 and 6 of  
23 section 177 of the correction law, the section heading and subdivisions  
24 1, 2 and 4 as amended by chapter 166 of the laws of 1991, subdivision 3  
25 as amended by section 25 of subpart A of part C of chapter 62 of the  
26 laws of 2011 and subdivision 6 as added by chapter 256 of the laws of  
27 2010, are amended to read as follows:

28 Labor of [~~inmates~~] incarcerated individuals in state and local correc-  
29 tional facilities. 1. The labor of [~~inmates~~] incarcerated individuals  
30 in the state correctional facilities, after the necessary labor for and  
31 manufacture of all needed supplies for said institutions, shall be  
32 primarily devoted to the state, the public buildings and institutions  
33 thereof, and the manufacture of supplies for the state, and public  
34 institutions thereof, and secondly to the political subdivisions of the  
35 state, and public institutions thereof;

36 2. The labor of [~~inmates~~] incarcerated individuals in local correc-  
37 tional facilities after the necessary labor for and manufacture of all  
38 needed supplies for the same, shall be primarily devoted to the coun-  
39 ties, respectively, in which said local correctional facilities are  
40 located, and the towns, cities and villages therein, and to the manufac-  
41 ture of supplies for the public institutions of the counties, or the  
42 political subdivisions thereof, and secondly to the state and the public  
43 institutions thereof;

44 3. However, for the purpose of distributing, marketing or sale of the  
45 whole or any part of the product of any correctional facility in the  
46 state, other than by said state correctional facilities, to the state or  
47 to any political subdivisions thereof or to any public institutions  
48 owned or managed and controlled by the state, or by any political subdivi-  
49 sions thereof, or to any public corporation, authority, or eleemosy-  
50 nary association funded in whole or in part by any federal, state or  
51 local funds, the sheriff of any such local correctional facility and the  
52 commissioner of corrections and community supervision may enter into a  
53 contract or contracts which may determine the kinds and qualities of  
54 articles to be produced by such institution and the method of distrib-  
55 ution and sale thereof by the commissioner of corrections and community  
56 supervision or under his or her direction, either in separate lots or in

1 combination with the products of other such institutions and with the  
2 products produced by [~~inmates~~] incarcerated individuals in state correc-  
3 tional facilities. Such contracts may fix and determine any and all  
4 terms and conditions for the disposition of such products and the dispo-  
5 sition of proceeds of sale thereof and any and all other terms and  
6 conditions as may be agreed upon, not inconsistent with the constitu-  
7 tion. However, no such contract shall be for a period of more than one  
8 year and any prices fixed by such contract shall be the prices estab-  
9 lished pursuant to section one hundred eighty-six of this article for  
10 like articles or shall be approved by the department of corrections and  
11 community supervision and the director of the budget on presentation to  
12 them of a copy of such contract or proposed contract, and provided  
13 further that any distribution or diversification of industries provided  
14 for by such contract shall be in accordance with the rules and regu-  
15 lations established by the department of corrections and community  
16 supervision or shall be approved by such department on presentation to  
17 it of a copy of such contract or proposed contract.

18 4. No product manufactured in whole or in part by [~~inmates~~] incarcer-  
19 ated individuals in any correctional facility of the state or of a poli-  
20 tical subdivision thereof, shall be sold, or otherwise disposed of for  
21 profit, by any officer, or administrative body, of such institution, or  
22 by any officer, or administrative body of the state, or of a political  
23 subdivision thereof, except to the state itself or to a political subdi-  
24 vision thereof, the government of the United States or to any state of  
25 the United States, or to an officer or administrative body of the state,  
26 or of a political subdivision thereof, or to or for a public institution  
27 owned or managed and controlled by the state or by any political subdivi-  
28 sion thereof, or to a public corporation, authority, or eleemosynary  
29 association funded in whole or in part by federal, state or local funds.  
30 In no case shall said products be purchased for the purpose of resale or  
31 for their disposition for profit in a manner not herein provided for in  
32 the first instance.

33 6. Notwithstanding any other provision of law, an [~~inmate~~] incarcerat-  
34 ed individual may be permitted to leave the institution under guard to  
35 voluntarily perform work for a nonprofit organization. As used in this  
36 section, the term "nonprofit organization" means an organization oper-  
37 ated exclusively for religious, charitable, or educational purposes, no  
38 part of the net earnings of which inures to the benefit of any private  
39 shareholder or individual.

40 § 180. Section 178 of the correction law, as added by chapter 476 of  
41 the laws of 1970, is amended to read as follows:

42 § 178. Participation in work release and other community activities.  
43 Nothing contained in this article shall be construed or applied so as to  
44 prohibit private employment of [~~inmates~~] incarcerated individuals in the  
45 community under a work release program, or a residential treatment  
46 facility program formulated pursuant to any provision of this chapter.

47 § 181. Section 184 of the correction law, as amended by chapter 166 of  
48 the laws of 1991, subdivision 1 as amended by section 21 of subpart B of  
49 part C of chapter 62 of the laws of 2011 and subdivision 2 as amended by  
50 section 27 of subpart A of part C of chapter 62 of the laws of 2011, is  
51 amended to read as follows:

52 § 184. Articles manufactured to be furnished to the state or subdivi-  
53 sions thereof. 1. The commissioner is authorized and directed to cause  
54 to be manufactured or prepared by the [~~inmates~~] incarcerated individuals  
55 in the state correctional facilities, such articles as are needed and  
56 used therein, and also, such articles as are required by the state or

1 political subdivisions thereof, and in the buildings, offices and public  
2 institutions owned or managed and controlled by the state, including  
3 articles and materials to be used in the erection of the buildings, and  
4 including material for the construction, improvement or repair of high-  
5 ways, streets and roads.

6 2. All such articles manufactured or prepared in the state correctional  
7 facilities, or by [~~inmates~~] incarcerated individuals, and not  
8 required for use therein, shall be of the styles, patterns, designs and  
9 qualities fixed by the department of corrections and community super-  
10 vision, except where the same have been or may be fixed by the office of  
11 general services in the executive department. Such articles may be  
12 furnished to the state, or to any political subdivision thereof, or for  
13 or to any public institution owned or managed and controlled by the  
14 state, or any political subdivision thereof, government of the United  
15 States or to any state of the United States or subdivision thereof or to  
16 any public corporation, authority, or eleemosynary association funded in  
17 whole or in part by any federal, state or local funds, at and for such  
18 prices as shall be fixed and determined as hereinafter provided, upon  
19 the requisitions of the proper officials thereof. No article so manufac-  
20 tured or prepared shall be purchased from any other source, for the  
21 state or public institutions of the state, or the political subdivisions  
22 thereof, or public benefit corporations, authorities or commissions,  
23 unless the commissioner of corrections and community supervision shall  
24 certify that the same can not be furnished upon such requisition, and no  
25 claim therefor shall be audited or paid without such certificate.

26 § 182. Section 187 of the correction law, as amended by section 30 of  
27 subpart A of part C of chapter 62 of the laws of 2011, is amended to  
28 read as follows:

29 § 187. Earnings of [~~inmates~~] incarcerated individuals. 1. Every  
30 [~~inmate~~] incarcerated individual confined in a state correctional facil-  
31 ity, subject to the rules and regulations of the department of  
32 corrections and community supervision, and every [~~inmate~~] incarcerated  
33 individual confined in a local correctional facility, in the discretion  
34 of the sheriff thereof, may receive compensation for work performed  
35 during his or her imprisonment. Such compensation shall be graded by the  
36 department of corrections and community supervision with regard to  
37 [~~inmates~~] incarcerated individuals employed in prison industries, based  
38 upon the work performed by such prisoners for prisoners confined in  
39 state correctional facilities, and by the sheriffs in all local correc-  
40 tional facilities for [~~inmates~~] incarcerated individuals confined there-  
41 in.

42 2. The department of corrections and community supervision shall adopt  
43 rules, subject to the approval of the director of the budget, for estab-  
44 lishing in all of the state correctional facilities a system of compen-  
45 sation for the [~~inmates~~] incarcerated individuals confined therein. Such  
46 rules shall provide for the payment of compensation to each [~~inmate~~]  
47 incarcerated individual, who shall meet the requirements established by  
48 the department of corrections and community supervision, based upon the  
49 work performed by such [~~inmates~~] incarcerated individuals.

50 3. The department shall prepare graded wage schedules for [~~inmates~~]  
51 incarcerated individuals, which schedules shall be based upon classi-  
52 fications according to the value of work performed by each. Such sched-  
53 ules need not be uniform in all institutions. The rules of the depart-  
54 ment shall also provide for the establishment of a credit system for  
55 each [~~inmate~~] incarcerated individual and the manner in which such earn-

1 ings shall be paid to the [~~inmate~~] incarcerated individual or his or her  
2 dependents or held in trust for him or her until his or her release.

3 4. Any compensation paid to an [~~inmate~~] incarcerated individual under  
4 this article shall be based on the work performed by such [~~inmate~~]  
5 incarcerated individual. Compensation may be paid from moneys appropri-  
6 ated to the department and available to facilities for nonpersonal  
7 service.

8 § 183. Section 197 of the correction law, as added by chapter 831 of  
9 the laws of 1959, is amended to read as follows:

10 § 197. Occupational therapy. Nothing in this article contained shall  
11 be deemed to apply to occupational therapy in any penal or correctional  
12 institution, or to prohibit the sale of the products resulting there-  
13 from. Such sale and the disposition of the proceeds thereof shall be  
14 governed by rules and regulations of the head of the department or other  
15 like governmental authority having jurisdiction. For the purpose of this  
16 section, occupational therapy is defined as any activity in the nature  
17 of individual art or handicraft, prescribed, guided or supervised for  
18 the purpose of contributing to the welfare or rehabilitation of any  
19 [~~inmate~~] incarcerated individual or [~~inmates~~] incarcerated individuals  
20 of such institutions.

21 § 184. Section 198 of the correction law, as amended by section 31 of  
22 subpart A of part C of chapter 62 of the laws of 2011, is amended to  
23 read as follows:

24 § 198. [~~inmate~~] incarcerated individual occupational therapy fund. 1.  
25 The commissioner of corrections and community supervision may authorize  
26 the superintendent or director of any correctional institution to estab-  
27 lish an [~~inmate~~] incarcerated individual occupational therapy fund for  
28 the receipt of proceeds from a product sold, as authorized by section  
29 one hundred ninety-seven of this article, by one or more [~~inmates~~]  
30 incarcerated individuals as incident to an avocational or vocational  
31 project approved by the commissioner, including but not limited to, art,  
32 music, drama, handicraft, or sports.

33 2. Pursuant to rules, regulations or directions of the commissioner,  
34 moneys of the fund may: (a) be made available to the superintendent or  
35 director to be used for the general benefit of the [~~inmates~~] incarcerat-  
36 ed individuals of the correctional institution wherein the product was  
37 produced, including but not limited to, furnishing materials and  
38 supplies to an [~~inmate~~] incarcerated individual or [~~inmates~~] incarcerat-  
39 ed individuals for an avocational or vocational project and the trans-  
40 porting of a product thereof for sale, display or otherwise and for  
41 recreational activities; or (b) be disbursed as follows: (i) an amount  
42 equal to the proceeds from the sale of a product produced by one  
43 [~~inmate~~] incarcerated individual may be deposited to the account of such  
44 [~~inmate~~] incarcerated individual pursuant to section one hundred sixteen  
45 of this chapter; or (ii) an amount equal to the proceeds from the sale  
46 of a product produced by two or more [~~inmates~~] incarcerated individuals  
47 may be divided equally among such [~~inmates~~] incarcerated individuals and  
48 deposited to their respective accounts pursuant to section one hundred  
49 sixteen of this chapter.

50 3. In determining the amount of the proceeds from a sale of a product  
51 that may be deposited to the account of an [~~inmate~~] incarcerated indi-  
52 vidual, the commissioner may provide for the deduction from the sum of  
53 the proceeds the reasonable expenses of the department of corrections  
54 and community supervision incident to the sale, including but not limit-  
55 ed to, the value of materials and supplies for the production of the  
56 product supplied without financial charge to the [~~inmate~~] incarcerated

1 individual and the expenses of transporting the product for sale or  
2 display or otherwise.

3 § 185. Subdivisions 1, 2, 3 and 4 of section 200 of the correction  
4 law, subdivisions 1 and 2 as amended by chapter 301 of the laws of 1996,  
5 and subdivisions 3 and 4 as added by chapter 536 of the laws of 1974,  
6 are amended to read as follows:

7 1. For the purpose of this section the term "incentive allowance"  
8 means monies allowed an [~~inmate~~] incarcerated individual of a state  
9 correctional institution for the efficient and willing performance of  
10 duties assigned or progress and achievement in educational, career and  
11 industrial training programs.

12 2. In lieu of the system of labor in correctional institutions estab-  
13 lished by this article, the commissioner may, in order to facilitate an  
14 [~~inmate's~~] incarcerated individual's eventual reintegration into socie-  
15 ty, establish for the [~~inmates~~] incarcerated individuals in one or more  
16 state correctional institutions a system of educational, career and  
17 industrial training programs, and of incentive allowances for each such  
18 program.

19 3. For each institution wherein such system is established the commis-  
20 sioner shall prepare, and may at times revise, graded incentive allow-  
21 ance schedules for the [~~inmates~~] incarcerated individuals within each  
22 such program based upon the levels of performance and achievement by an  
23 [~~inmate~~] incarcerated individual in a program to which he or she has  
24 been assigned. Upon the approval of the director of the budget such  
25 schedules or revisions thereof may be promulgated.

26 4. The commissioner shall also provide for the establishment of a  
27 credit system for each [~~inmate~~] incarcerated individual and the manner  
28 in which incentive allowances shall be paid to the [~~inmate~~] incarcerated  
29 individual or his or her dependents or held in trust for him or her  
30 until his or her release. The amount of incentive allowed to the credit  
31 of any [~~inmate~~] incarcerated individual shall be disposed of as provided  
32 by section one hundred eighty-nine of this article.

33 § 186. Subdivisions 2, 3, 5 and 6 of section 201 of the correction  
34 law, as added by section 32 of subpart A of part C of chapter 62 of the  
35 laws of 2011, are amended to read as follows:

36 2. In accordance with the provisions of this chapter, the department  
37 shall supervise [~~inmates~~] incarcerated individuals released to community  
38 supervision, except that the department may consent to the supervision  
39 of a released [~~inmate~~] incarcerated individual by the United States  
40 parole commission pursuant to the witness security act of nineteen  
41 hundred eighty-four.

42 3. To facilitate the supervision of all [~~inmates~~] incarcerated indi-  
43 viduals released to community supervision, the commissioner shall  
44 consider the implementation of a program of graduated sanctions, includ-  
45 ing but not limited to the utilization of a risk and needs assessment  
46 instrument that would be administered to all [~~inmates~~] incarcerated  
47 individuals eligible for community supervision. Such a program would  
48 include various components including approaches that concentrate super-  
49 vision on new releases, alternatives to incarceration for technical  
50 parole violators and the use of enhanced technologies.

51 5. The department shall assist [~~inmates~~] incarcerated individuals  
52 eligible for community supervision and [~~inmates~~] incarcerated individ-  
53 uals who are on community supervision to secure employment, educational  
54 or vocational training, and housing.

55 6. The department shall have the duty to provide written notice to  
56 [~~inmates~~] incarcerated individuals prior to release to community super-

1 vision or pursuant to subdivision six of section 410.91 of the criminal  
2 procedure law of any requirement to report to the office of victim  
3 services any funds of a convicted person as defined in section six  
4 hundred thirty-two-a of the executive law, the procedure for such  
5 reporting and any potential penalty for a failure to comply.

6 § 187. Subdivision 2 of section 203 of the correction law, as added by  
7 section 32 of subpart A of part C of chapter 62 of the laws of 2011, is  
8 amended to read as follows:

9 2. The department shall have the duty, prior to the release to commu-  
10 nity supervision of an [~~inmate~~] incarcerated individual designated a  
11 level two or three sex offender pursuant to the sex offender registra-  
12 tion act, to provide notification to the local social services district  
13 in the county in which the [~~inmate~~] incarcerated individual expects to  
14 reside, when information available or any other pre-release procedures  
15 indicates that such [~~inmate~~] incarcerated individual is likely to seek  
16 to access local social services for homeless persons. The department  
17 shall provide such notice, when practicable, thirty days or more before  
18 such [~~inmate's~~] incarcerated individual's release, but in any event, in  
19 advance of such [~~inmate's~~] incarcerated individual's arrival in the  
20 jurisdiction of such local social services district.

21 § 188. Section 207 of the correction law, as added by section 32 of  
22 subpart A of part C of chapter 62 of the laws of 2011, is amended to  
23 read as follows:

24 § 207. Cooperation. It shall be the duty of the commissioner of  
25 corrections and community supervision to insure that all officers and  
26 employees of the department shall at all times cooperate with the board  
27 of parole and shall furnish to such members and employees of the board  
28 of parole such information as may be appropriate to enable them to  
29 perform their independent decision making functions. It is also his or  
30 her duty to ensure that the functions of the board of parole are not  
31 hampered in any way, including but not limited to: a restriction of  
32 resources including staff assistance; limited access to vital informa-  
33 tion; and presentation of [~~inmate~~] incarcerated individual information  
34 in a manner that may inappropriately influence the board in its decision  
35 making.

36 § 189. Subdivision 2 of section 272 of the correction law, as added by  
37 section 1 of part SS of chapter 56 of the laws of 2009, is amended to  
38 read as follows:

39 2. have the power to determine, as each [~~inmate~~] incarcerated individ-  
40 ual applies for conditional release, the need for supplemental investi-  
41 gation of the background of such [~~inmate~~] incarcerated individual and  
42 cause such investigation as may be necessary to be made as soon as prac-  
43 ticable. The commission may require that the probation department  
44 located in the jurisdiction of the commission conduct such supplemental  
45 investigation. The results of such investigation together with all other  
46 information compiled by the local correctional facility and the complete  
47 criminal record and family court record of such [~~inmate~~] incarcerated  
48 individual shall be readily available when the conditional release of  
49 such [~~inmate~~] incarcerated individual is being considered. Such informa-  
50 tion shall include a complete statement of the crime for which the  
51 [~~inmate~~] incarcerated individual has been sentenced, the circumstances  
52 of such crime, all presentence memoranda, the nature of the sentence,  
53 the court in which such [~~inmate~~] incarcerated individual was sentenced,  
54 the name of the judge and district attorney and copies of such probation  
55 reports as may have been made as well as reports as to the [~~inmate's~~]

1 incarcerated individual's social, physical, mental and psychiatric  
2 condition and history;

3 § 190. The opening paragraph and paragraph (a) of subdivision 1 and  
4 subdivisions 2 and 6 of section 273 of the correction law, as added by  
5 section 1 of part SS of chapter 56 of the laws of 2009, are amended to  
6 read as follows:

7 Any [~~inmate~~] incarcerated individual who is eligible for conditional  
8 release by a commission pursuant to subdivision two of section 70.40 of  
9 the penal law and who has served a minimum period of sixty days in a  
10 local correctional facility may apply for conditional release. Eligibil-  
11 ity criteria shall be limited to [~~inmates~~] incarcerated individuals:

12 (a) who have not been previously convicted and who do not stand  
13 convicted of any crime which would make such [~~inmate~~] incarcerated indi-  
14 vidual ineligible for the receipt of merit time pursuant to section  
15 eight hundred three of this chapter, any crime pursuant to article two  
16 hundred thirty-five of the penal law when the victim of such offense was  
17 under the age of eighteen at the time of the offense, or any crime which  
18 the commission determines constituted a crime of domestic violence;

19 2. The commission shall review and make a determination on each appli-  
20 cation within thirty days of receipt of such application. No determi-  
21 nation granting or denying such application shall be valid unless made  
22 by a majority vote of at least three commission members present. No  
23 release shall be granted unless there is a reasonable probability that,  
24 if such [~~inmate~~] incarcerated individual is released, he or she shall  
25 live and remain at liberty without violating the law, and that his or  
26 her release is not incompatible with the welfare of society and shall  
27 not so deprecate the seriousness of his or her crime as to undermine  
28 respect for law.

29 6. If conditional release is not granted, the commission shall inform  
30 the person in writing of the factors and reasons for such denial of  
31 conditional release within fifteen days of the decision. Such reasons  
32 shall be given in detail and not in conclusory terms. [~~Inmates~~] Incar-  
33 cerated individuals denied conditional release are eligible to reapply  
34 sixty days after the date of the denial.

35 § 191. The article heading of article 16 of the correction law, as  
36 added by chapter 766 of the laws of 1976, is amended to read as follows:

37 PROVISIONS RELATING TO MENTALLY ILL [~~INMATES~~] INCARCERATED  
38 INDIVIDUALS

39 § 192. Subdivisions 1, 2, 3 and 5 of section 400 of the correction  
40 law, subdivisions 1, 2 and 3 as added by chapter 766 of the laws of 1976  
41 and subdivision 5 as amended by section 35 of subpart A of part C of  
42 chapter 62 of the laws of 2011, are amended to read as follows:

43 (1) "Examining physician" means a physician licensed to practice medi-  
44 cine in the state of New York, but who is not on the staff of the facil-  
45 ity where the [~~inmate~~] incarcerated individual is confined.

46 (2) "Hospital" means a hospital in the department of mental hygiene  
47 which is designated as such by the commissioner of mental hygiene for  
48 the care and treatment of mentally ill [~~inmates~~] incarcerated individ-  
49 uals.

50 (3) "In immediate need of care and treatment" means that the [~~inmate~~]  
51 incarcerated individual is apparently mentally ill and is not able to be  
52 properly cared for at the place where he or she is confined and is in  
53 need of immediate care and treatment in a hospital.

54 (5) "[~~Inmate~~] Incarcerated individual" means a person committed to the  
55 custody of the department of corrections and community supervision, or a



1 person convicted of a crime and committed to the custody of the sheriff,  
2 the county jail, or a local department of correction.

3 § 193. Section 401 of the correction law, as amended by chapter 1 of  
4 the laws of 2008, subdivision 6 as amended by chapter 20 of the laws of  
5 2016, is amended to read as follows:

6 § 401. Establishment of programs inside correctional facilities. 1.  
7 The commissioner, in cooperation with the commissioner of mental health,  
8 shall establish programs, including but not limited to residential  
9 mental health treatment units, in such correctional facilities as he or  
10 she may deem appropriate for the treatment of mentally ill [~~inmates~~  
11 incarcerated individuals confined in state correctional facilities who  
12 are in need of psychiatric services but who do not require hospitaliza-  
13 tion for the treatment of mental illness. [~~Inmates~~ Incarcerated indi-  
14 viduals with serious mental illness shall receive therapy and program-  
15 ming in settings that are appropriate to their clinical needs while  
16 maintaining the safety and security of the facility. The administration  
17 and operation of programs established pursuant to this section shall be  
18 the joint responsibility of the commissioner of mental health and the  
19 commissioner. The professional mental health care personnel, and their  
20 administrative and support staff, for such programs shall be employees  
21 of the office of mental health. All other personnel shall be employees  
22 of the department.

23 2. (a) (i) In exceptional circumstances, a mental health clinician, or  
24 the highest ranking facility security supervisor in consultation with a  
25 mental health clinician who has interviewed the [~~inmate~~ incarcerated  
26 individual, may determine that an [~~inmate's~~ incarcerated individual's  
27 access to out-of-cell therapeutic programming and/or mental health  
28 treatment in a residential mental health treatment unit presents an  
29 unacceptable risk to the safety of [~~inmates~~ incarcerated individuals or  
30 staff. Such determination shall be documented in writing and alternative  
31 mental health treatment and/or other therapeutic programming, as deter-  
32 mined by a mental health clinician, shall be provided.

33 (ii) Any determination to restrict out-of-cell therapeutic programming  
34 and/or mental health treatment shall be reviewed at least every fourteen  
35 days by the joint case management committee or, if no such committee is  
36 available, by the treatment team assigned to the [~~inmate's~~ incarcerated  
37 individual's residential mental health treatment unit.

38 (iii) The determination whether to restrict out-of-cell therapeutic  
39 programming and/or mental health treatment shall take into account the  
40 [~~inmate's~~ incarcerated individual's mental condition and any safety and  
41 security concerns that would be posed by the [~~inmate's~~ incarcerated  
42 individual's access to such out-of-cell therapeutic programming. The  
43 joint case management committee or treatment team shall recommend that  
44 the [~~inmate~~ incarcerated individual shall have access to out-of-cell  
45 therapeutic programming and/or mental health treatment unless in excep-  
46 tional circumstances such access would pose an unacceptable risk to the  
47 safety of the [~~inmate~~ incarcerated individual or other persons. Such  
48 recommendation shall be reviewed by the facility superintendent, and if  
49 the superintendent makes a determination not to accept such recommenda-  
50 tion, the matter shall be referred to the joint central office review  
51 committee for resolution. Such resolution shall be made no later than  
52 twenty-one days after the imposition of the restriction.

53 (b) [~~Inmates~~ Incarcerated individuals in a residential mental health  
54 treatment unit shall receive property, services and privileges similar  
55 to [~~inmates~~ incarcerated individuals confined in the general prison  
56 population, provided however, the department may impose general limita-

1 tions on the quantity and type of property all [~~inmates~~] incarcerated  
2 individuals on the unit are permitted to have in their cells and  
3 [~~inmate~~] incarcerated individual access to programs that are more  
4 restrictive than for general population [~~inmates~~] incarcerated individ-  
5 uals in order to maintain security and order on the unit. Further, in  
6 consultation with a mental health clinician, the department may make an  
7 individual determination to impose restrictions on property, services or  
8 privileges for an [~~inmate~~] incarcerated individual on the unit for ther-  
9 apeutic and/or security reasons which are not inconsistent with the  
10 [~~inmate's~~] incarcerated individual's mental health needs. If any such  
11 restrictions on property, services or privileges are imposed on a  
12 particular [~~inmate~~] incarcerated individual, they shall be documented in  
13 writing and shall be reviewed by the joint case management committee not  
14 less than every thirty days. A disciplinary sanction of restricted diet  
15 shall not be imposed on any [~~inmate~~] incarcerated individual who is  
16 housed in a residential mental health treatment unit.

17 3. Misbehavior reports will not be issued to [~~inmates~~] incarcerated  
18 individuals with serious mental illness for refusing treatment or medi-  
19 cation, however, an [~~inmate~~] incarcerated individual may be subject to  
20 the disciplinary process for refusing to go to the location where treat-  
21 ment is provided or medication is dispensed. In addition, there will be  
22 a presumption against imposition and pursuit of disciplinary charges for  
23 self-harming behavior and threats of self-harming behavior, including  
24 related charges for the same behaviors, such as destruction of state  
25 property, except in exceptional circumstances.

26 4. A disciplinary sanction imposed on an [~~inmate~~] incarcerated indi-  
27 vidual requiring confinement to a cell or room shall continue to run  
28 while the [~~inmate~~] incarcerated individual is placed in residential  
29 mental health treatment in a residential mental health unit model or a  
30 behavioral health unit model. Such disciplinary sanction shall be  
31 reviewed by the joint case management committee or, if no such committee  
32 is available, by the treatment team assigned to the [~~inmate's~~] incarcer-  
33 ated individual's residential mental health treatment unit at least once  
34 every three months to determine whether based upon the [~~inmate's~~] incar-  
35 cerated individual's mental health status and safety and security  
36 concerns, the [~~inmate's~~] incarcerated individual's disciplinary sanction  
37 should be reduced and/or the [~~inmate~~] incarcerated individual should be  
38 transferred to a less restrictive setting. Nothing in this subdivision  
39 shall be deemed to preclude the department from granting reductions of  
40 disciplinary sanctions to [~~inmates~~] incarcerated individuals in other  
41 residential mental health treatment unit models.

42 5. (a) An [~~inmate~~] incarcerated individual in a residential mental  
43 health treatment unit shall not be sanctioned with segregated confine-  
44 ment for misconduct on the unit, or removed from the unit and placed in  
45 segregated confinement, except in exceptional circumstances where such  
46 [~~inmate's~~] incarcerated individual's conduct poses a significant and  
47 unreasonable risk to the safety of [~~inmates~~] incarcerated individuals or  
48 staff, or to the security of the facility. Further, in the event that  
49 such a sanction is imposed, an [~~inmate~~] incarcerated individual shall  
50 not be required to begin serving such sanction until the reviews  
51 required by paragraph (b) of this subdivision have been completed;  
52 provided, however that in extraordinary circumstances where an  
53 [~~inmate's~~] incarcerated individual's conduct poses an immediate unac-  
54 ceptable threat to the safety of [~~inmates~~] incarcerated individuals or  
55 staff, or to the security of the facility an [~~inmate~~] incarcerated indi-  
56 vidual may be immediately moved to segregated confinement. The determi-

1 nation that an immediate transfer to segregated confinement is necessary  
2 shall be made by the highest ranking facility security supervisor in  
3 consultation with a mental health clinician.

4 (b) The joint case management committee shall review any disciplinary  
5 disposition imposing a sanction of segregated confinement at its next  
6 scheduled meeting. Such review shall take into account the [~~inmate's~~]  
7 incarcerated individual's mental condition and safety and security  
8 concerns. The joint case management committee may only thereafter recom-  
9 mend the removal of the [~~inmate~~] incarcerated individual in exceptional  
10 circumstances where the [~~inmate~~] incarcerated individual poses a signif-  
11 icant and unreasonable risk to the safety of [~~inmates~~] incarcerated  
12 individuals or staff or to the security of the facility. In the event  
13 that the [~~inmate~~] incarcerated individual was immediately moved to  
14 segregated confinement, the joint case management committee may recom-  
15 mend that the [~~inmate~~] incarcerated individual continue to serve such  
16 sanction only in exceptional circumstances where the [~~inmate~~] incarcer-  
17 ated individual poses a significant and unreasonable risk to the safety  
18 of [~~inmates~~] incarcerated individuals or staff or to the security of the  
19 facility. If a determination is made that the [~~inmate~~] incarcerated  
20 individual shall not be required to serve all or any part of the segre-  
21 gated confinement sanction, the joint case management committee may  
22 instead recommend that a less restrictive sanction should be imposed.  
23 The recommendations made by the joint case management committee under  
24 this paragraph shall be documented in writing and referred to the super-  
25 intendent for review and if the superintendent disagrees, the matter  
26 shall be referred to the joint central office review committee for a  
27 final determination. The administrative process described in this para-  
28 graph shall be completed within fourteen days. If the result of such  
29 process is that an [~~inmate~~] incarcerated individual who was immediately  
30 transferred to segregated confinement should be removed from segregated  
31 confinement, such removal shall occur as soon as practicable, and in no  
32 event longer than seventy-two hours from the completion of the adminis-  
33 trative process.

34 6. The department shall ensure that the curriculum for new correction  
35 officers, and other new department staff who will regularly work in  
36 programs providing mental health treatment for [~~inmates~~] incarcerated  
37 individuals, shall include at least eight hours of training about the  
38 types and symptoms of mental illnesses, the goals of mental health  
39 treatment, the prevention of suicide and training in how to effectively  
40 and safely manage [~~inmates~~] incarcerated individuals with mental  
41 illness. Such training may be provided by the office of mental health or  
42 the justice center for the protection of people with special needs. All  
43 department staff who are transferring into a residential mental health  
44 treatment unit shall receive a minimum of eight additional hours of such  
45 training, and eight hours of annual training as long as they work in  
46 such a unit. All security, program services, mental health and medical  
47 staff with direct [~~inmate~~] incarcerated individual contact shall receive  
48 training each year regarding identification of, and care for, [~~inmates~~]  
49 incarcerated individuals with mental illnesses. The department shall  
50 provide additional training on these topics on an ongoing basis as it  
51 deems appropriate.

52 § 194. Section 401-a of the correction law, as amended by section 6 of  
53 part A of chapter 501 of the laws of 2012 and subdivision 1 as amended  
54 by chapter 126 of the laws of 2014, is amended to read as follows:

55 § 401-a. Oversight responsibilities of the justice center for the  
56 protection of people with special needs. 1. The justice center for the

1 protection of people with special needs shall be responsible for moni-  
2 toring the quality of mental health care provided to [~~inmates~~] incarcer-  
3 ated individuals pursuant to article twenty of the executive law. The  
4 justice center shall have direct and immediate access to all areas where  
5 state prisoners are housed, and to clinical and department records  
6 relating to [~~inmates~~] incarcerated individuals' clinical conditions.  
7 The justice center shall maintain the confidentiality of all patient-  
8 specific information.

9 2. The justice center shall monitor the quality of care in residential  
10 mental health treatment programs and shall ensure compliance with para-  
11 graphs (d) and (e) of subdivision six of section one hundred thirty-sev-  
12 en of this chapter and section four hundred one of this article. The  
13 justice center may recommend to the department and the office of mental  
14 health that [~~inmates~~] incarcerated individuals in segregated confinement  
15 pursuant to subdivision six of section one hundred thirty-seven of this  
16 chapter be evaluated for placement in a residential mental health treat-  
17 ment unit. It may also recommend ways to further the goal of diverting  
18 and removing [~~inmates~~] incarcerated individuals with serious mental  
19 illness from segregated confinement to residential mental health treat-  
20 ment units. The justice center shall include in its annual report to the  
21 governor and the legislature pursuant to section five hundred sixty of  
22 the executive law, a description of the state's progress in complying  
23 with this article, which shall be publicly available.

24 3. The justice center shall appoint an advisory committee on psychiat-  
25 ric correctional care ("committee"), which shall be composed of inde-  
26 pendent mental health experts and mental health advocates, and may  
27 include family members of former [~~inmates~~] incarcerated individuals with  
28 serious mental illness. Such committee shall advise the justice center  
29 on its oversight responsibilities pursuant to this section. The commit-  
30 tee may also make recommendations to the justice center regarding  
31 improvements to prison-based mental health care. Nothing in this subdivi-  
32 sion shall be deemed to authorize members of the committee to have  
33 access to a correctional or mental hygiene facility or any part of such  
34 a facility. Provided, however, newly appointed members of the advisory  
35 committee shall be provided with a tour of a segregated confinement unit  
36 and a residential mental health treatment unit, as selected by the  
37 commissioner. Any such tour shall be arranged on a date and at a time  
38 selected by the commissioner and upon such terms and conditions as are  
39 within the sole discretion of the commissioner.

40 § 195. The section heading and subdivisions 1, 2, 3, 9 and 13 of  
41 section 402 of the correction law, the section heading and subdivisions  
42 1 and 2 as added by chapter 766 of the laws of 1976, subdivision 3 as  
43 amended by chapter 789 of the laws of 1985, subdivision 9 as amended by  
44 chapter 164 of the laws of 1986, and subdivision 13 as added by chapter  
45 7 of the laws of 2007, are amended to read as follows:

46 Commitment of Mentally ill [~~inmates~~] incarcerated individuals. 1.  
47 Whenever the physician of any correctional facility, any county peniten-  
48 tiary, county jail or workhouse, any reformatory for women, or of any  
49 other correctional institution, shall report in writing to the super-  
50 intendent that any person undergoing a sentence of imprisonment or adju-  
51 dicated to be a youthful offender or juvenile delinquent confined there-  
52 in is, in his or her opinion, mentally ill, such superintendent shall  
53 apply to a judge of the county court or justice of the supreme court in  
54 the county to cause an examination to be made of such person by two  
55 examining physicians. Such physicians shall be designated by the judge  
56 to whom the application is made. Each such physician, if satisfied,

1 after a personal examination, that such [~~inmate~~] incarcerated individual  
2 is mentally ill and in need of care and treatment, shall make a certifi-  
3 cate to such effect. Before making such certificate, however, he or she  
4 shall consider alternative forms of care and treatment available during  
5 confinement in such correctional facility, penitentiary, jail, reforma-  
6 tory or correctional institution that might be adequate to provide for  
7 such [~~inmate's~~] incarcerated individual's needs without requiring hospi-  
8 talization. If the examining physician knows that the person he or she  
9 is examining has been under prior treatment, he or she shall, insofar as  
10 possible, consult with the physician or psychologist furnishing such  
11 prior treatment prior to making his or her certificate.

12 2. In the city of New York, if the physician of a workhouse, city  
13 prison, jail, penitentiary or reformatory reports in writing to the  
14 superintendent of such institution that a prisoner confined therein,  
15 serving a sentence of imprisonment, is in his or her opinion mentally  
16 ill, the superintendent of said institution shall either transfer said  
17 prisoner to Bellevue or Kings county hospital for observation as to his  
18 or her mental condition by two examining physicians or shall secure two  
19 examining physicians to make such examination in his institution. Each  
20 such physician, if satisfied after a personal examination and observa-  
21 tion that the prisoner is mentally ill and in need of care and treat-  
22 ment, shall make a certificate to such effect. Before making such  
23 certificate, however, he or she shall consider alternative forms of care  
24 and treatment available during confinement in such correctional facili-  
25 ty, penitentiary, jail, reformatory or correctional institution that  
26 might be adequate to provide for such [~~inmate's~~] incarcerated individ-  
27 ual's needs without requiring hospitalization. If the examining physi-  
28 cian knows that the person he or she is examining has been under prior  
29 treatment, he or she shall, insofar as possible, consult with the physi-  
30 cian or psychologist furnishing such prior treatment prior to making his  
31 or her certificate.

32 3. Upon such certificates of the examining physicians being so made,  
33 it shall be delivered to the superintendent who shall thereupon apply by  
34 petition forthwith to a judge of the county court or justice of the  
35 supreme court in the county, annexing such certificate to his or her  
36 petition, for an order committing such [~~inmate~~] incarcerated individual  
37 to a hospital for the mentally ill. Upon every such application for  
38 such an order of commitment, notice thereof in writing, of at least five  
39 days, together with a copy of the petition, shall be served personally  
40 upon the alleged mentally ill person, and in addition thereto such  
41 notice and a copy of the petition shall be served upon either the wife,  
42 the husband, the father or mother or other nearest relative of such  
43 alleged mentally ill person, if there be any such known relative within  
44 the state; and if not, such notice shall be served upon any known friend  
45 of such alleged mentally ill person within the state. If there be no  
46 such known relative or friend within the state, the giving of such  
47 notice shall be dispensed with, but in such case the petition for the  
48 commitment shall recite the reasons why service of such notice on a  
49 relative or friend of the alleged mentally ill person was dispensed with  
50 and, in such case, the order for commitment shall recite why service of  
51 such a notice on a relative or friend of the alleged mentally ill person  
52 was dispensed with. Copies of the notice, the petition and the certifi-  
53 cates of the examining physicians shall also be given the mental  
54 hygiene legal service. The mental hygiene legal service shall inform the  
55 [~~inmate~~] incarcerated individual and, in proper cases, others interested  
56 in the [~~inmate's~~] incarcerated individual's welfare, of the procedures

1 for placement in a hospital and of the [~~inmate's~~] incarcerated individ-  
2 ual's right to have a hearing, to have judicial review with a right to a  
3 jury trial, to be represented by counsel and to seek an independent  
4 medical opinion. The mental hygiene legal service shall have personal  
5 access to such [~~inmate~~] incarcerated individual for such purposes.

6 9. Except as provided in subdivision two of this section pertaining to  
7 prisoners confined in the city of New York, an [~~inmate~~] incarcerated  
8 individual of a correctional facility or a county jail may be admitted  
9 on an emergency basis to the Central New York Psychiatric Center upon  
10 the certification by two examining physicians, including physicians  
11 employed by the office of mental health and associated with the correc-  
12 tional facility in which such [~~inmate~~] incarcerated individual is  
13 confined, that the [~~inmate~~] incarcerated individual suffers from a  
14 mental illness which is likely to result in serious harm to himself,  
15 herself or others as defined in subdivision (a) of section 9.39 of the  
16 mental hygiene law. Any person so committed shall be delivered by the  
17 superintendent within a twenty-four hour period, to the director of the  
18 appropriate hospital as designated in the rules and regulations of the  
19 office of mental health. Upon delivery of such person to a hospital  
20 operated by the office of mental health, a proceeding under this section  
21 shall immediately be commenced.

22 13. Notwithstanding any provision of law to the contrary, when an  
23 [~~inmate~~] incarcerated individual is being examined in anticipation of  
24 his or her conditional release, release to parole supervision, or when  
25 his or her sentence to a term of imprisonment expires, the provisions of  
26 subdivision one of section four hundred four of this article shall be  
27 applicable and such commitment shall be effectuated in accordance with  
28 the provisions of article nine or ten of the mental hygiene law, as  
29 appropriate.

30 § 196. Section 403 of the correction law, as added by chapter 766 of  
31 the laws of 1976, is amended to read as follows:

32 § 403. Department or superintendent to provide certain records. The  
33 department or superintendent shall furnish to the department of mental  
34 hygiene a copy of the health and psychiatric records and a sentence  
35 calculation for each [~~inmate~~] incarcerated individual placed in a hospi-  
36 tal. The sentence calculation shall include the maximum expiration date  
37 and tentative conditional release date and the parole eligibility or  
38 release consideration hearing date. Such records shall be furnished to  
39 the director of the hospital upon delivery of the [~~inmate~~] incarcerated  
40 individual.

41 § 197. Section 404 of the correction law, as added by chapter 766 of  
42 the laws of 1976, subdivision 1 as amended by chapter 7 of the laws of  
43 2007, subdivision 3 as added by chapter 1 of the laws of 2013, and  
44 subdivision 4 as added by chapter 548 of the laws of 2014, is amended to  
45 read as follows:

46 § 404. Disposition of mentally ill [~~inmates~~] incarcerated individuals  
47 upon release to parole, conditional release, or expiration of sentence.

48 1. Whenever an [~~inmate~~] incarcerated individual committed to a hospital  
49 in the department of mental hygiene or whenever an [~~inmate~~] incarcerated  
50 individual is examined in anticipation of his or her conditional  
51 release, release to parole supervision, or when his or her sentence to a  
52 term of imprisonment expires and such [~~inmate~~] incarcerated individual  
53 shall continue to be mentally ill and in need of care and treatment at  
54 the time of his or her conditional release, release to parole super-  
55 vision, or when his or her sentence to a term of imprisonment expires,  
56 the director of the hospital or the superintendent of a correctional

1 facility may apply for the person's admission to a hospital for the care  
2 and treatment of the mentally ill in the department of mental hygiene  
3 pursuant to article nine of the mental hygiene law, or alternatively,  
4 the commissioner may apply for the person's admission to a secure treat-  
5 ment facility pursuant to article ten of the mental hygiene law.

6 2. The director may discharge any [~~inmate~~] incarcerated individual at  
7 the expiration of the term for which he or she was sentenced who is  
8 still mentally ill, but who, in the opinion of the director, is reason-  
9 ably safe to be at large. Such discharged [~~inmate~~] incarcerated individ-  
10 ual shall be entitled to suitable clothing adapted to the season in  
11 which he or she is discharged, and if it cannot be otherwise obtained,  
12 the business officer, or other officer having like duties shall, upon  
13 the order of the director, or of the commissioner of mental hygiene, as  
14 the case may be, furnish the same, and money in an amount to be fixed by  
15 such commissioner with the approval of the director of the budget, to  
16 defray his or her expenses until he or she can reach his or her rela-  
17 tives or friends, or find employment to earn a subsistence.

18 3. Within a reasonable period prior to discharge of an [~~inmate~~] incar-  
19 cerated individual committed from a state correctional facility from a  
20 hospital in the department of mental hygiene to the community, the  
21 director shall ensure that a clinical assessment has been completed to  
22 determine whether the [~~inmate~~] incarcerated individual meets the crite-  
23 ria for assisted outpatient treatment pursuant to subdivision (c) of  
24 section 9.60 of the mental hygiene law. If, as a result of such assess-  
25 ment, the director determines that the [~~inmate~~] incarcerated individual  
26 meets such criteria, prior to discharge the director of the hospital  
27 shall either petition for a court order pursuant to section 9.60 of the  
28 mental hygiene law, or report in writing to the director of community  
29 services of the local governmental unit in which the [~~inmate~~] incarcer-  
30 ated individual is expected to reside so that an investigation may be  
31 conducted pursuant to section 9.47 of the mental hygiene law.

32 4. Every [~~inmate~~] incarcerated individual who has received mental  
33 health treatment pursuant to this article within three years of his or  
34 her anticipated release date from a state correctional facility shall be  
35 provided with mental health discharge planning and, when necessary, an  
36 appointment with a mental health professional in the community who can  
37 prescribe medications following discharge and sufficient mental health  
38 medications and prescriptions to bridge the period between discharge and  
39 such time as such mental health professional may assume care of the  
40 patient. [~~Inmates~~] Incarcerated individuals who have refused mental  
41 health treatment may also be provided mental health discharge planning  
42 and any necessary appointment with a mental health professional.

43 § 198. The opening paragraph of paragraph (a), subparagraphs 4 and 8  
44 of paragraph (b) and subparagraph 2 of paragraph (c) of subdivision 7,  
45 the opening paragraph of paragraph (c) and the closing paragraph of  
46 subdivision 8, the opening paragraph of subdivision 9 and subdivision 13  
47 of section 500-b of the correction law, subparagraphs 4 and 8 of para-  
48 graph (b) of subdivision 7 and the opening paragraph of paragraph (c) of  
49 subdivision 8 as added by chapter 907 of the laws of 1984, the opening  
50 paragraph of paragraph (a) and subparagraph 2 of paragraph (c) of subdi-  
51 vision 7, the closing paragraph of subdivision 8 and the opening para-  
52 graph of subdivision 9 as amended by chapter 574 of the laws of 1985,  
53 and subdivision 13 as amended by section 3 of part M of chapter 55 of  
54 the laws of 2014, are amended to read as follows:

55 Consistent with the commission's rules and regulations regarding the  
56 assignment of [~~inmates~~] incarcerated individuals to housing units, the

1 chief administrative officer shall exercise good judgment and discretion  
2 and shall take all reasonable steps to ensure that the assignment of  
3 persons to facility housing units:

4 (4) prior history of a hostile relationship with another [~~inmate~~]  
5 incarcerated individual;

6 (8) any other information concerning the safety or welfare of the  
7 [~~inmate~~] incarcerated individual.

8 (2) determinations made upon an interview with an [~~inmate~~] incarcerat-  
9 ed individual at the time of classification;

10 where it is determined that the county does not have an approved  
11 service plan in effect pursuant to article thirteen-A of the executive  
12 law or is found to be in non-compliance therewith, as provided in  
13 section two hundred sixty-three of such law, it shall prohibit the  
14 commingling of any of the following categories of [~~inmates~~] incarcerated  
15 individuals:

16 Notwithstanding the provisions of this subdivision to the contrary,  
17 classification as authorized pursuant to this section may occur without  
18 compliance with paragraphs (b) and (c) of this subdivision for a period  
19 not to exceed six months immediately following the submission of a plan  
20 to the division pursuant to section two hundred sixty-two of the execu-  
21 tive law. During such six month period the commission shall undertake to  
22 review, observe and assess the classification of [~~inmates~~] incarcerated  
23 individuals in local correctional facilities as authorized under this  
24 section to thereby ascertain safeguards which should be incorporated in  
25 its rules and regulations. Further, during such six month period in  
26 which such classification shall be permitted pursuant to this subdivi-  
27 sion, the commission shall evaluate whether a local correctional facili-  
28 ty is in substantial noncompliance with rules and regulations regarding  
29 the requirements specified in paragraphs (a), (b) and (c) of this subdivi-  
30 sion and shall determine at the end of such six month period whether  
31 substantial noncompliance exists. At the expiration of the six month  
32 period if the commission finds a local facility in substantial noncom-  
33 pliance, the commission shall order that the prohibition set forth in  
34 this subdivision immediately take effect. The commissioner shall advise  
35 the chief administrative officer of such facility of the specific nature  
36 of the noncompliance and the specific measures which should be undertak-  
37 en to remedy the noncompliance. When such measures have been imple-  
38 mented, the chief administrative officer shall certify same to the  
39 commissioner and upon the verification thereof by the commissioner,  
40 shall permit the chief administrative officer to classify [~~inmates~~]  
41 incarcerated individuals as provided under this section. In the event  
42 substantial noncompliance is not found at the expiration of the six  
43 month period, then the local correctional facility may continue to clas-  
44 sify [~~inmates~~] incarcerated individuals as authorized in this section.

45 The chief administrative officer shall forward to the commission a  
46 quarterly report relative to the housing of [~~inmates~~] incarcerated indi-  
47 viduals. The report shall include, but not be limited to:

48 13. Where in the opinion of the chief administrative officer an emer-  
49 gency overcrowding condition exists in a local correctional facility  
50 caused in part by the prohibition against the commingling of persons  
51 under eighteen years of age with persons eighteen years of age or older  
52 or the commingling of persons eighteen years of age or older with  
53 persons under eighteen years of age, the chief administrative officer  
54 may apply to the commission for permission to commingle the aforemen-  
55 tioned categories of [~~inmates~~] incarcerated individuals for a period not  
56 to exceed thirty days as provided herein. The commission shall acknowl-



1 edge to the chief administrative officer the receipt of such application  
2 upon its receipt. The chief administrative officer shall be permitted to  
3 commingle such [~~inmates~~] incarcerated individuals upon acknowledgment of  
4 receipt of the application by the commission. The commission shall  
5 assess the application within seven days of receipt. The commission  
6 shall deny any such application and shall prohibit the continued commingling  
7 of such [~~inmates~~] incarcerated individuals where it has found that  
8 the local correctional facility does not meet the criteria set forth in  
9 this subdivision and further is in substantial noncompliance with minimum  
10 staffing requirements as provided in commission rules and regulations.  
11 In addition, the commission shall determine whether the commingling  
12 of such [~~inmates~~] incarcerated individuals presents a danger to  
13 the health, safety or welfare of any such [~~inmate~~] incarcerated individual.  
14 If no such danger exists the chief administrative officer may  
15 continue the commingling until the expiration of the aforementioned  
16 thirty day period or until such time as he or she determines that the  
17 overcrowding which necessitated the commingling no longer exists, whichever  
18 occurs first. In the event the commission determines that such  
19 danger exists, it shall immediately notify the chief administrative  
20 officer, and the commingling of such [~~inmates~~] incarcerated individuals  
21 shall cease. Such notification shall include specific measures which  
22 should be undertaken by the chief administrative officer, to correct  
23 such dangers. The chief administrative officer may correct such dangers  
24 and reapply to the commission for permission to commingle; however, no  
25 commingling may take place until such time as the commission certifies  
26 that the facility is now in compliance with the measures set forth in  
27 the notification under this subdivision. When such certification has  
28 been received by the chief administrative officer, the commingling may  
29 continue for thirty days, less any time during which the chief administrative  
30 officer commingled such [~~inmates~~] incarcerated individuals  
31 following his or her application to the commission, or until such time  
32 as he determines that the overcrowding which necessitated the commingling  
33 no longer exists, whichever occurs first. The chief administrative  
34 officer may apply for permission to commingle such [~~inmates~~] incarcerated  
35 individuals for up to two additional thirty day periods, in conformity  
36 with the provisions and the requirements of this subdivision, in a  
37 given calendar year. For the period ending December thirtieth, nineteen  
38 hundred eighty-four, a locality may not apply for more than one thirty  
39 day commingling period.

40 § 199. Subdivisions 7 and 8 of section 500-c of the correction law, as  
41 amended by section 43 of part A-1 of chapter 56 of the laws of 2010, are  
42 amended to read as follows:

43 7. A sheriff, the New York city commissioner of correction, or the  
44 Westchester county commissioner of correction, as the case may be, shall  
45 maintain an institutional fund account on behalf of every lawfully  
46 sentenced [~~inmate~~] incarcerated individual or prisoner in his or her  
47 custody and shall for the benefit of the person make deposits into said  
48 accounts of any prisoner funds. As used in this section, the term "prisoner  
49 funds" means (i) funds in the possession of the prisoner at the  
50 time of admission into the institution; (ii) funds earned by a prisoner  
51 as provided in section one hundred eighty-seven of this chapter; and  
52 (iii) any other funds received by or on behalf of the prisoner and  
53 deposited with such sheriff or municipal official in accordance with the  
54 written procedures established by the commission. Whenever the total  
55 value of unencumbered funds in a prisoner's account exceeds ten thousand

1 dollars, such sheriff or official shall give written notice to the  
2 office of victim services.

3 8. A sheriff, the New York city commissioner of correction, or the  
4 Westchester county commissioner of correction, as the case may be, shall  
5 provide written notice to all [~~inmates~~] incarcerated individuals serving  
6 a definite sentence for a specified crime defined in paragraph (e) of  
7 subdivision one of section six hundred thirty-two-a of the executive law  
8 who may be subject to any requirement to report to the office of victim  
9 services any funds of a convicted person as defined in section six  
10 hundred thirty-two-a of the executive law, the procedures for such  
11 reporting and any potential penalty for a failure to comply.

12 § 200. Subdivision 3 of section 500-d of the correction law, as  
13 amended by chapter 256 of the laws of 2010, is amended to read as  
14 follows:

15 (3) Such keeper may, with the consent of the board of supervisors of  
16 the county, or the county judge, from time to time, cause such of the  
17 convicts under his or her charge as are capable of hard labor, to be  
18 employed outside of the jail in the same, or in an adjoining county,  
19 upon such terms as may be agreed upon between the keepers and the offi-  
20 cers, or persons, under whose direction such convicts shall be placed,  
21 subject to such regulations as the board or judge may prescribe; and the  
22 board of supervisors of the several counties are authorized to employ  
23 convicts under sentence to confinement in the county jails, in building  
24 and repairing penal institutions of the county and in building and  
25 repairing the highways in their respective counties or in preparing the  
26 materials for such highways for sale to and for the use of the state,  
27 counties, towns, villages or cities, and in cutting wood and performing  
28 other work which is commonly carried on at a prison camp, and to make  
29 rules and regulations for their employment; and the said board of super-  
30 visors are hereby authorized to cause money to be raised by taxation for  
31 the purpose of furnishing materials and carrying this provision into  
32 effect; and the courts of this state are hereby authorized to sentence  
33 convicts committed to detention in the county jails to such hard labor  
34 as may be provided for them by the boards of supervisors. This section  
35 as amended shall not affect a county wholly included within a city.  
36 Notwithstanding any other provision of law, an [~~inmate~~] incarcerated  
37 individual may be permitted to leave the institution under guard to  
38 voluntarily perform work for a nonprofit organization pursuant to this  
39 subdivision. As used in this section, the term "nonprofit organization"  
40 means an organization operated exclusively for religious, charitable, or  
41 educational purposes, no part of the net earnings of which inures to the  
42 benefit of any private shareholder or individual.

43 § 201. Section 500-h of the correction law, as added by chapter 481 of  
44 the laws of 1991, is amended to read as follows:

45 § 500-h. Payment of costs for medical and dental services. 1. Diag-  
46 noses, tests, studies or analyses for the diagnosis of a disease or  
47 disability, and care and treatment by a hospital, as defined in article  
48 twenty-eight of the public health law, or by a physician, or by a  
49 dentist to [~~inmates~~] incarcerated individuals of a local correctional  
50 facility which are provided by a county or the city of New York shall be  
51 available without cost or charge to the [~~inmates~~] incarcerated individ-  
52 uals receiving such examinations, care or treatment.

53 2. Notwithstanding the provisions of subdivision one of this section,  
54 any county or the city of New York may, by local law, provide that such  
55 entity may be reimbursed for costs paid pursuant to subdivision one of  
56 this section from any third party coverage or indemnification carried by

1 an ~~[inmate]~~ incarcerated individual. Such third party coverage or  
2 indemnification shall first be applied against the total cost to the  
3 hospital or other provider as established in accordance with the  
4 provisions of section twenty-eight hundred seven of the public health  
5 law relating to rates of payment of an individual's care and treatment,  
6 as provided herein.

7 § 202. Section 500-k of the correction law, as amended by chapter 2 of  
8 the laws of 2008, is amended to read as follows:

9 § 500-k. Treatment of ~~[inmates]~~ incarcerated individuals. Subdivisions  
10 five and six of section one hundred thirty-seven of this chapter, except  
11 paragraphs (d) and (e) of subdivision six of such section, relating to  
12 the treatment of ~~[inmates]~~ incarcerated individuals in state correction-  
13 al facilities are applicable to ~~[inmates]~~ incarcerated individuals  
14 confined in county jails; except that the report required by paragraph  
15 (f) of subdivision six of such section shall be made to a person desig-  
16 nated to receive such report in the rules and regulations of the state  
17 commission of correction, or in any county or city where there is a  
18 department of correction, to the head of such department.

19 § 203. The section heading and subdivision 2 of section 500-o of the  
20 correction law, as added by chapter 573 of the laws of 2011, are amended  
21 to read as follows:

22 Agreements for custody of ~~[inmates]~~ incarcerated individuals from  
23 other states.

24 2. ~~[Inmates]~~ Incarcerated individuals who are confined in a local  
25 correctional facility pursuant to an agreement under this section shall  
26 be dealt with in all respects in the same manner as ~~[inmates]~~ incarcer-  
27 ated individuals committed to the custody of a local correctional facil-  
28 ity pursuant to paragraph (e) of subdivision one of section five  
29 hundred-a of this article. All rules and regulations promulgated by the  
30 commission regarding the treatment of ~~[inmates]~~ incarcerated individuals  
31 confined in a local correctional facility shall be applicable to  
32 ~~[inmates]~~ incarcerated individuals confined pursuant to this section. An  
33 ~~[inmate]~~ incarcerated individual confined in a local correctional facil-  
34 ity pursuant to an agreement under this section shall not be deprived of  
35 any legal rights which such ~~[inmate]~~ incarcerated individual would have  
36 had if confined in a correctional institution in the jurisdiction in  
37 which he or she was convicted.

38 § 204. Subdivision 2 of section 501 of the correction law, as added by  
39 chapter 122 of the laws of 2017, is amended to read as follows:

40 2. Notwithstanding subdivision one of this section, a county board of  
41 supervisors may instead procure the services of a professional partner-  
42 ship, a professional service corporation, a professional service limited  
43 liability company or a registered limited liability company, duly  
44 authorized to practice medicine in the state, for the purpose of provid-  
45 ing health services to the ~~[inmates]~~ incarcerated individuals of the  
46 jail, provided that one physician from any such professional partner-  
47 ship, professional services corporation, professional service limited  
48 liability company or registered limited liability company shall be  
49 designated by the board to act as the chief medical officer of the jail.

50 § 205. Subdivisions 1 and 2 of section 504 of the correction law,  
51 subdivision 1 as amended by chapter 305 of the laws of 2019 and subdivi-  
52 sion 2 as amended by section 28 of subpart B of part C of chapter 62 of  
53 the laws of 2011, are amended to read as follows:

54 1. (a) If there is no jail in a county, or the jail becomes unfit or  
55 unsafe for the confinement of some or all of the ~~[inmates]~~ incarcerated  
56 individuals, civil or criminal, or is destroyed by fire or otherwise, or

1 if a pestilential disease breaks out in the jail or in the vicinity of  
2 the jail and the physician to the jail certifies that it is likely to  
3 endanger the health of any or all of the [~~inmates~~] incarcerated individ-  
4 uals in the jail, the state commission of correction, upon application,  
5 must, by an instrument in writing, filed with the clerk of the county,  
6 designate another suitable place within the county, or the jail of any  
7 other county, for the confinement of some or all of the [~~inmates~~] incar-  
8 cerated individuals, as the case requires. The place so designated there-  
9 upon becomes, to all intents and purposes, except as otherwise  
10 prescribed in this article, the jail of the county for which it has been  
11 so designated, and the purposes expressed in the instrument designating  
12 the same. The designation may be amended, modified or revoked by the  
13 state commission of correction by a subsequent instrument in writing  
14 filed with the clerk of the county.

15 (b) If transfer to the jail of another county would allow for an  
16 [~~inmate's~~] incarcerated individual's participation in beneficial  
17 programming, the state commission of correction, upon application and  
18 the consent of such [~~inmate~~] incarcerated individual and any involved  
19 sheriff, may, by an instrument in writing, filed with the clerk of the  
20 county, designate the jail of such other county, for the confinement of  
21 such [~~inmate~~] incarcerated individual, as the case requires. The jail so  
22 designated thereupon becomes, to all intents and purposes, except as  
23 otherwise prescribed in this article, the jail of the county for which  
24 it has been so designated, and the purposes expressed in the instrument  
25 designating the same. The designation may be amended, modified or  
26 revoked by the state commission of correction by a subsequent instrument  
27 in writing filed with the clerk of the county.

28 2. Where the jail in a county becomes unfit or unsafe for the confine-  
29 ment of some or all of the [~~inmates~~] incarcerated individuals due to an  
30 [~~inmate~~] incarcerated individual disturbance or other extraordinary  
31 circumstances, including but not limited to a natural disaster, unantic-  
32 ipated deficiencies in the structural integrity of a facility or the  
33 inability to provide one or more [~~inmates~~] incarcerated individuals with  
34 essential services such as medical care, upon the request of the municip-  
35 al official as defined in subdivision four of section forty of this  
36 chapter and no other suitable place within the county nor the jail of  
37 any other county is immediately available to house some or all of the  
38 [~~inmates~~] incarcerated individuals, the commissioner of corrections and  
39 community supervision may, in his or her sole discretion, make avail-  
40 able, upon such terms and conditions as he or she may deem appropriate,  
41 all or any part of a state correctional institution for the confinement  
42 of some or all of such [~~inmates~~] incarcerated individuals as an adjunct  
43 to the county jail for a period not to exceed thirty days. However, if  
44 the county jail remains unfit or unsafe for the confinement of some or  
45 all of such [~~inmates~~] incarcerated individuals beyond thirty days, the  
46 state commission of correction, with the consent of the commissioner of  
47 corrections and community supervision, may extend the availability of a  
48 state correctional institution for one or more additional thirty day  
49 periods. The state commission of correction shall promulgate rules and  
50 regulations governing the temporary transfer of [~~inmates~~] incarcerated  
51 individuals to state correctional institutions from county jails,  
52 including but not limited to provisions for confinement of such  
53 [~~inmates~~] incarcerated individuals in the nearest correctional facility,  
54 to the maximum extent practicable, taking into account necessary securi-  
55 ty. The commissioner of corrections and community supervision may, in  
56 his or her sole discretion, based on standards promulgated by the

1 department, determine whether a county shall reimburse the state for any  
2 or all of the actual costs of confinement as approved by the director of  
3 the division of the budget. On or before the expiration of each thirty  
4 day period, the state commission of correction must make an appropriate  
5 designation pursuant to subdivision one of this section if the county  
6 jail remains unfit or unsafe for the confinement of some or all of the  
7 [~~inmates~~] incarcerated individuals and consent to the continued avail-  
8 ability of a state correctional institution as required for herein. The  
9 superintendence, management and control of a state correctional institu-  
10 tion or part thereof made available pursuant hereto and the [~~inmates~~]  
11 incarcerated individuals housed therein shall be as directed by the  
12 commissioner of corrections and community supervision.

13 § 206. Subdivisions 1, 3 and 4 of section 505 of the correction law,  
14 as added by chapter 437 of the laws of 2013, are amended to read as  
15 follows:

16 1. Where an [~~inmate~~] incarcerated individual who is not yet eighteen  
17 years of age has been committed to the custody of the sheriff or other  
18 person in charge of a local correctional facility and no medical consent  
19 has been obtained prior to commitment, the commitment order shall be  
20 deemed to grant to the minor the capacity to consent to routine medical,  
21 dental and mental health services and treatment to himself or herself.

22 3. (a) At any time prior to the date the [~~inmate~~] incarcerated indi-  
23 vidual becomes eighteen years of age, the [~~inmate's~~] incarcerated indi-  
24 vidual's parent or legal guardian may institute legal proceedings pursu-  
25 ant to section 70.20 of the penal law objecting to the provision of  
26 routine medical, dental or mental health services and treatment being  
27 provided to the [~~inmate~~] incarcerated individual.

28 (b) A notice of motion shall be served on the [~~inmate~~] incarcerated  
29 individual and the sheriff or other person in charge of the local  
30 correctional facility not less than seven days prior to the return date  
31 of the motion. The person on whom the notice of motion is served shall  
32 answer the motion not less than two days before the return date. On  
33 examining the motion and answer and, in its discretion, after hearing  
34 argument, the court shall enter an order, granting or denying the  
35 motion.

36 4. Nothing in this section shall preclude an [~~inmate~~] incarcerated  
37 individual from consenting on his or her own behalf to any medical,  
38 dental or mental health services and treatment where otherwise author-  
39 ized by law to do so.

40 § 207. Subdivision 1 and paragraph a of subdivision 2 of section 508  
41 of the correction law, as amended by chapter 196 of the laws of 2017,  
42 are amended to read as follows:

43 1. A sheriff, in his or her discretion, may by written order permit  
44 [~~inmates~~] incarcerated individuals confined in a local correctional  
45 facility to receive medical diagnosis and treatment in outside hospi-  
46 tals, upon the determination that such outside treatment and diagnosis  
47 is necessary by reason of inadequate facilities within the local correc-  
48 tional facility. Such [~~inmates~~] incarcerated individuals shall remain  
49 under the jurisdiction and in the custody of said sheriff while in a  
50 hospital, other than a secure facility, as such term is defined in para-  
51 graph b of subdivision two of this section, and said sheriff shall  
52 enforce proper measures in each case to safely maintain such jurisdic-  
53 tion and custody.

54 a. If a physician to a jail or in case of a vacancy a physician acting  
55 as such and the warden or jailer certify in writing that a prisoner  
56 confined in a jail, either in a civil cause or upon a criminal charge,

1 is in such a state of mental health that he or she is in need of invol-  
2 untary care and treatment and in their opinion should be removed to a  
3 psychiatric hospital for treatment, the warden or jailer shall imme-  
4 diately notify the director who shall have the responsibility for  
5 providing treatment for such prisoner. If such director after examina-  
6 tion of the prisoner by an examining physician designated by him or her  
7 shall determine that such prisoner is in need of involuntary care and  
8 treatment, the director shall file an application for the involuntary  
9 hospitalization of such prisoner pursuant to article nine of the mental  
10 hygiene law in a hospital or secure facility, as defined in paragraph b  
11 of this subdivision, operated by the office of mental health or in the  
12 case of a prisoner confined in a jail in a city or county which main-  
13 tains or operates a general hospital containing a psychiatric prison  
14 ward approved by the office of mental health to such prison ward for  
15 care and treatment or to any other psychiatric hospital if such prison  
16 ward is filled to capacity. Such application shall be supported by the  
17 certificate of two physicians in accordance with the requirements of  
18 section 9.27 of the mental hygiene law and thereupon such prisoner shall  
19 be admitted forthwith to the hospital or secure facility in which such  
20 application is filed, and the procedures of the mental hygiene law  
21 governing the hospitalization of such prisoner. The jailer or warden  
22 having custody of the prisoner shall deliver the prisoner to the hospi-  
23 tal or secure facility with which the director has filed the applica-  
24 tion. If such jailer or warden shall certify that such prisoner has a  
25 mental illness which is likely to result in serious harm to himself,  
26 herself or others and for which care in a psychiatric hospital is appro-  
27 priate such jailer or warden shall effect the admission of such prisoner  
28 to a hospital or secure facility forthwith in accordance with the  
29 provisions of section 9.37 or 9.39 of the mental hygiene law and the  
30 hospital shall admit such prisoner. Upon admission of the prisoner,  
31 pursuant to section 9.37 or 9.39 of the mental hygiene law, the jailer  
32 or warden shall notify the director, the prisoner's attorney, and his or  
33 her family, where information about the family is available. While the  
34 prisoner is in the hospital, other than a secure facility, he or she  
35 shall remain in the custody under sufficient guard of the jailer or  
36 warden in charge of the jail from which he or she came. When the prison-  
37 er is in a secure facility, the jailer or warden may transfer custody of  
38 the [~~inmate~~] incarcerated individual to the commissioner of mental  
39 health, pursuant to an agreement between such jailer or warden and such  
40 commissioner. A prisoner admitted to a psychiatric hospital pursuant to  
41 section 9.27, 9.37 or 9.39 of the mental hygiene law may be retained at  
42 the hospital or secure facility pursuant to the provisions of the mental  
43 hygiene law until he or she has improved sufficiently in his or her  
44 mental illness so that hospitalization is no longer necessary or until  
45 ordered by the court to be returned to the jail whichever comes first  
46 and in either event, the prisoner shall thereupon be returned to jail.  
47 The cost of the care and treatment of such prisoners in the hospital or  
48 secure facility shall be defrayed in accordance with the provisions of  
49 the mental hygiene law in such cases provided.

50 From the time of admission of a prisoner to a hospital under this  
51 section the retention of such prisoner for care and treatment shall be  
52 subject to the provisions for notice, hearing, review and judicial  
53 approval of continued retention or transfer and continued retention  
54 provided by article nine of the mental hygiene law for the admission and  
55 retention of involuntary patients.

1 § 208. Section 509 of the correction law, as amended by chapter 419 of  
2 the laws of 1989, is amended to read as follows:

3 § 509. Absence of [~~inmate~~] incarcerated individual for funeral and  
4 deathbed visits. The sheriff of a local correctional facility or his or  
5 her designee may permit any [~~inmate~~] incarcerated individual confined in  
6 his or her local correctional facility to attend the funeral of his or  
7 her father, mother, guardian or former guardian, child, brother, sister,  
8 husband, wife, grandparent, grandchild, ancestral uncle or ancestral  
9 aunt within the state, or to visit such individual during his or her  
10 illness if death be imminent; but the exercise of such power shall be  
11 subject to such rules and regulations as the commission shall prescribe,  
12 respecting the granting of such permission, duration of absence from the  
13 institution, custody, transportation and care of the [~~inmate~~] incarcer-  
14 ated individual, and guarding against escape.

15 § 209. The section heading, subdivisions (a), (b) and (e) of section  
16 601 of the correction law, the section heading and subdivision (b) as  
17 amended by chapter 39 of the laws of 1977, subdivision (a) as amended by  
18 section 5 of chapter 177 of the laws of 2011, and subdivision (e) as  
19 added by section 2 of part D of chapter 56 of the laws of 2008, are  
20 amended to read as follows:

21 Delivery of commitment with [~~inmate~~] incarcerated individual; payment  
22 of fees for transportation.

23 (a) Whenever an [~~inmate~~] incarcerated individual shall be delivered to  
24 the superintendent of a state correctional facility pursuant to an inde-  
25 terminate or determinate sentence, the officer so delivering such  
26 [~~inmate~~] incarcerated individual shall deliver to such superintendent,  
27 the sentence and commitment or certificate of conviction, or a certified  
28 copy thereof, and a copy of any order of protection pursuant to section  
29 380.65 of the criminal procedure law received by such officer from the  
30 clerk of the court by which such [~~inmate~~] incarcerated individual shall  
31 have been sentenced, a copy of the report of the probation officer's  
32 investigation and report or a detailed statement covering the facts  
33 relative to the crime and previous history certified by the district  
34 attorney, a copy of the [~~inmate's~~] incarcerated individual's fingerprint  
35 records, a detailed summary of available medical records, psychiatric  
36 records and reports relating to assaults, or other violent acts,  
37 attempts at suicide or escape by the [~~inmate~~] incarcerated individual  
38 while in the custody of the local correctional facility; any such  
39 medical or psychiatric records in the possession of a health care  
40 provider other than the local correctional facility shall be summarized  
41 in detail and forwarded by such health care provider to the medical  
42 director of the appropriate state correctional facility upon request;  
43 the superintendent shall present to such officer a certificate of the  
44 delivery of such [~~inmate~~] incarcerated individual, and the fees of such  
45 officer for transporting such [~~inmate~~] incarcerated individual shall be  
46 paid from the treasury upon the audit and warrant of the comptroller.  
47 Whenever an [~~inmate~~] incarcerated individual of the state is delivered  
48 to a local facility, the superintendent shall forward summaries of such  
49 records to the local facility with the [~~inmate~~] incarcerated individual.

50 (b) Whenever an [~~inmate~~] incarcerated individual is sentenced by a  
51 court of this state to an indeterminate sentence, but the [~~inmate~~]  
52 incarcerated individual is immediately returned to a correctional facil-  
53 ity under the jurisdiction of the United States or of a sister state,  
54 the clerk of the court shall immediately send to the commissioner of the  
55 department a certified copy of the sentence, a copy of the probation

1 report and a copy of the fingerprint records of the [~~inmate~~] incarcerat-  
2 ed individual.

3 (e) A copy of any order of protection issued by any court against such  
4 [~~inmate~~] incarcerated individual pursuant to article five hundred thirty  
5 of the criminal procedure law or article eight of the family court act  
6 at the time of sentencing or which thereafter be issued shall accompany  
7 any commitment.

8 § 209-a. Subdivisions (a) and (b) of section 601 of the correction  
9 law, subdivision (a) as amended by section 6 of chapter 177 of the laws  
10 of 2011 and subdivision (b) as amended by chapter 738 of the laws of  
11 2004, are amended to read as follows:

12 (a) Whenever an [~~inmate~~] incarcerated individual shall be delivered to  
13 the superintendent of a state correctional facility pursuant to an inde-  
14 terminate or determinate sentence, the officer so delivering such  
15 [~~inmate~~] incarcerated individual shall deliver to such superintendent,  
16 the sentence and commitment or certificate of conviction, or a certified  
17 copy thereof, and a copy of any order of protection pursuant to section  
18 380.65 of the criminal procedure law received by such officer from the  
19 clerk of the court by which such [~~inmate~~] incarcerated individual shall  
20 have been sentenced, a copy of the report of the probation officer's  
21 investigation and report or a detailed statement covering the facts  
22 relative to the crime and previous history certified by the district  
23 attorney, a copy of the [~~inmate's~~] incarcerated individual's fingerprint  
24 records, a detailed summary of available medical records, psychiatric  
25 records and reports relating to assaults, or other violent acts,  
26 attempts at suicide or escape by the [~~inmate~~] incarcerated individual  
27 while in the custody of the local correctional facility; any such  
28 medical or psychiatric records in the possession of a health care  
29 provider other than the local correctional facility shall be summarized  
30 in detail and forwarded by such health care provider to the medical  
31 director of the appropriate state correctional facility upon request;  
32 the superintendent shall present to such officer a certificate of the  
33 delivery of such [~~inmate~~] incarcerated individual, and the fees of such  
34 officer for transporting such [~~inmate~~] incarcerated individual shall be  
35 paid from the treasury upon the audit and warrant of the comptroller.  
36 Whenever an [~~inmate~~] incarcerated individual of the state is delivered  
37 to a local facility, the superintendent shall forward summaries of such  
38 records to the local facility with the [~~inmate~~] incarcerated individual.

39 (b) Whenever an [~~inmate~~] incarcerated individual is sentenced by a  
40 court of this state to an indeterminate or determinate sentence, but the  
41 [~~inmate~~] incarcerated individual is immediately returned to a correc-  
42 tional facility under the jurisdiction of the United States or of a  
43 sister state, the clerk of the court shall immediately send to the  
44 commissioner of the department a certified copy of the sentence, a copy  
45 of the probation report and a copy of the fingerprint records of the  
46 [~~inmate~~] incarcerated individual.

47 § 210. The opening paragraph and subdivision 2 of section 601-d of the  
48 correction law, as amended by section 29 of subpart B of part C of chap-  
49 ter 62 of the laws of 2011, are amended to read as follows:

50 This section shall apply only to [~~inmates~~] incarcerated individuals in  
51 the custody of the commissioner, and releasees under the supervision of  
52 the department, upon whom a determinate sentence was imposed between  
53 September first, nineteen hundred ninety-eight, and the effective date  
54 of this section, which was required by law to include a term of post-re-  
55 lease supervision:



1 2. Whenever it shall appear to the satisfaction of the department that  
2 an [~~inmate~~] incarcerated individual in its custody or that a releasee  
3 under its supervision, is a designated person, the department shall make  
4 notification of that fact to the court that sentenced such person, and  
5 to the [~~inmate~~] incarcerated individual or releasee.

6 § 211. Section 605-a of the correction law, as amended by section 30  
7 of subpart B of part C of chapter 62 of the laws of 2011, is amended to  
8 read as follows:

9 § 605-a. Transportation of female [~~inmates~~] incarcerated individuals.  
10 Whenever any female [~~inmate~~] incarcerated individual is conveyed to an  
11 institution under the jurisdiction of the state department of  
12 corrections and community supervision pursuant to sentence or commit-  
13 ment, such female [~~inmate~~] incarcerated individual shall be accompanied  
14 by at least one female officer.

15 § 212. The section heading and subdivision 1 of section 606 of the  
16 correction law, as added by chapter 824 of the laws of 1985, are amended  
17 to read as follows:

18 Payment of costs for prosecution of [~~inmates~~] incarcerated  
19 individuals. 1. When an [~~inmate~~] incarcerated individual of an institu-  
20 tion of the department is alleged to have committed an offense while an  
21 [~~inmate~~] incarcerated individual of such institution, the state shall  
22 pay all reasonable costs for the prosecution of such offense, including  
23 but not limited to, costs for: a grand jury impaneled to hear and exam-  
24 ine evidence of such offense, petit jurors, witnesses, the defense of  
25 any [~~inmate~~] incarcerated individual financially unable to obtain coun-  
26 sel in accordance with the provisions of the county law, the district  
27 attorney, the costs of the sheriff and the appointment of additional  
28 court attendants, officers or other judicial personnel.

29 § 213. Subdivisions 2 and 3 of section 610 of the correction law, as  
30 amended by chapter 268 of the laws of 1969, are amended to read as  
31 follows:

32 2. This section shall be deemed to apply to every incorporated or  
33 unincorporated society for the reformation of its [~~inmates~~] incarcerated  
34 individuals, as well as houses of refuge, penitentiaries, protectories,  
35 reformatories or other correctional institutions, continuing to receive  
36 for its use, either public moneys, or a per capita sum from any munici-  
37 pality for the support of [~~inmates~~] incarcerated individuals.

38 3. The rules and regulations established for the government of the  
39 institutions mentioned in this section shall recognize the right of the  
40 [~~inmates~~] incarcerated individuals to the free exercise of their reli-  
41 gious belief, and to worship God according to the dictates of their  
42 consciences, including baptism by immersion, in accordance with the  
43 provisions of the constitution; and shall allow religious services on  
44 Sunday and for private ministration to the [~~inmates~~] incarcerated indi-  
45 viduals in such manner as may best carry into effect the spirit and  
46 intent of this section and be consistent with the proper discipline and  
47 management of the institution; and the [~~inmates~~] incarcerated individ-  
48 uals of such institutions shall be allowed such religious services and  
49 spiritual advice and spiritual ministration from some recognized clergy-  
50 man of the denomination or church which said [~~inmates~~] incarcerated  
51 individuals may respectively prefer or to which they may have belonged  
52 prior to their being confined in such institutions; but if any of such  
53 [~~inmates~~] incarcerated individuals shall be minors under the age of  
54 sixteen years, then such services, advice and spiritual ministration  
55 shall be allowed in accordance with the methods and rites of the partic-  
56 ular denomination or church which the parents or guardians of such

1 minors may select; such services to be held and such advice and minis-  
2 tration to be given within the buildings or grounds, whenever possible,  
3 where the [~~inmates~~] incarcerated individuals are required by law to be  
4 confined, in such manner and at such hours as will be in harmony, as  
5 aforesaid, with the discipline and the rules and regulations of the  
6 institution and secure to such [~~inmates~~] incarcerated individuals free  
7 exercise of their religious beliefs in accordance with the provisions of  
8 this section. In case of a violation of any of the provisions of this  
9 section any person feeling himself or herself aggrieved thereby may  
10 institute proceedings in the supreme court of the district where such  
11 institution is situated, which is hereby authorized and empowered to  
12 enforce the provisions of this section.

13 § 214. The section heading, paragraph (c) of subdivision 1 and subdivi-  
14 sion 2 of section 611 of the correction law, the section heading and  
15 subdivision 2 as amended by chapter 242 of the laws of 1930, and para-  
16 graph (c) of subdivision 1 as amended by chapter 17 of the laws of 2016,  
17 are amended to read as follows:

18 Births to [~~inmates~~] incarcerated individuals of correctional insti-  
19 tutions and care of children of [~~inmates~~] incarcerated individuals of  
20 correctional institutions.

21 (c) No restraints of any kind shall be used when such woman is in  
22 labor, admitted to a hospital, institution or clinic for delivery, or  
23 recovering after giving birth. Any such personnel as may be necessary to  
24 supervise the woman during transport to and from and during her stay at  
25 the hospital, institution or clinic shall be provided to ensure adequate  
26 care, custody and control of the woman, except that no correctional  
27 staff shall be present in the delivery room during the birth of a baby  
28 unless requested by the medical staff supervising such delivery or by  
29 the woman giving birth. The superintendent or sheriff or his or her  
30 designee shall cause such woman to be subject to return to such institu-  
31 tion or local correctional facility as soon after the birth of her child  
32 as the state of her health will permit as determined by the medical  
33 professional responsible for the care of such woman. If such woman is  
34 confined in a local correctional facility, the expense of such accommo-  
35 dation, maintenance and medical care shall be paid by such woman or her  
36 relatives or from any available funds of the local correctional facility  
37 and if not available from such sources, shall be a charge upon the coun-  
38 ty, city or town in which is located the court from which such [~~inmate~~]  
39 incarcerated individual was committed to such local correctional facili-  
40 ty. If such woman is confined in any institution under the control of  
41 the department, the expense of such accommodation, maintenance and  
42 medical care shall be paid by such woman or her relatives and if not  
43 available from such sources, such maintenance and medical care shall be  
44 paid by the state. In cases where payment of such accommodations, main-  
45 tenance and medical care is assumed by the county, city or town from  
46 which such [~~inmate~~] incarcerated individual was committed the payor  
47 shall make payment by issuing payment instrument in favor of the agency  
48 or individual that provided such accommodations and services, after  
49 certification has been made by the head of the institution to which the  
50 [~~inmate~~] incarcerated individual was legally confined, that the charges  
51 for such accommodations, maintenance and medical care were necessary and  
52 are just, and that the institution has no available funds for such  
53 purpose.

54 2. A child so born may be returned with its mother to the correctional  
55 institution in which the mother is confined unless the chief medical  
56 officer of the correctional institution shall certify that the mother is

1 physically unfit to care for the child, in which case the statement of  
2 the said medical officer shall be final. A child may remain in the  
3 correctional institution with its mother for such period as seems desir-  
4 able for the welfare of such child, but not after it is one year of age,  
5 provided, however, if the mother is in a state reformatory and is to be  
6 paroled shortly after the child becomes one year of age, such child may  
7 remain at the state reformatory until its mother is paroled, but in no  
8 case after the child is eighteen months old. The officer in charge of  
9 such institution may cause a child cared for therein with its mother to  
10 be removed from the institution at any time before the child is one year  
11 of age. He shall make provision for a child removed from the institution  
12 without its mother or a child born to a woman [~~inmate~~] incarcerated  
13 individual who is not returned to the institution with its mother as  
14 hereinafter provided. He may, upon proof being furnished by the father  
15 or other relatives of their ability to properly care for and maintain  
16 such child, give the child into the care and custody of such father or  
17 other relatives, who shall thereafter maintain the same at their own  
18 expense. If it shall appear that such father or other relatives are  
19 unable to properly care for and maintain such child, such officer shall  
20 place the child in the care of the commissioner of public welfare or  
21 other officer or board exercising in relation to children the power of a  
22 commissioner of public welfare of the county from which such [~~inmate~~]  
23 incarcerated individual was committed as a charge upon such county. The  
24 officer in charge of the correctional institution shall send to such  
25 commissioner, officer or board a report of all information available in  
26 regard to the mother and the child. Such commissioner of public welfare  
27 or other officer or board shall care for or place out such child as  
28 provided by law in the case of a child becoming dependent upon the coun-  
29 ty.

30 § 215. Subdivisions 1 and 2 of section 618 of the correction law,  
31 subdivision 1 as amended by chapter 413 of the laws of 1993 and subdivi-  
32 sion 2 as amended by chapter 654 of the laws of 1974, are amended to  
33 read as follows:

34 1. It shall also be the duty of the commissioner to continue to make  
35 or have impressions made of the finger and thumbprints of all [~~inmates~~]  
36 incarcerated individuals in any of the institutions under the jurisdic-  
37 tion of the department; in his or her discretion, to cause said  
38 [~~inmates~~] incarcerated individuals to be measured and described; and to  
39 cause to be obtained and recorded, so far as possible, modus operandi  
40 statements of said [~~inmates~~] incarcerated individuals. The commissioner  
41 shall cause such impressions and measurements of persons confined in  
42 state correctional institutions to be made by a person or persons in the  
43 official service of the state in conformity with the system now in use  
44 in the division of criminal justice services, and shall prescribe rules  
45 and regulations for obtaining and recording such modus operandi state-  
46 ments, and for keeping accurate records of such impressions, measure-  
47 ments and statements, in the offices of such institutions.

48 2. It is hereby made the duty of the officials having charge of all  
49 the penitentiaries and county jails in the state to cause [~~inmates~~]  
50 incarcerated individuals confined therein under sentence for any crime  
51 to be measured and described and the fingerprint impressions of such  
52 [~~inmates~~] incarcerated individuals to be made according to the rules and  
53 methods prescribed by the commissioner of criminal justice services. It  
54 shall also be the duty of such officials in charge of such institutions  
55 to procure so far as possible modus operandi statements from all such  
56 prisoners. And it shall be the duty of such officials to cause dupli-

1 cate records of such measurements, impressions and statements to be  
2 made, two copies to be transmitted to the division of criminal justice  
3 services within twenty-four hours following the time of the reception of  
4 such [~~inmates~~] incarcerated individuals in said institutions.

5 § 216. Section 619 of the correction law, as amended by section 31 of  
6 subpart B of part C of chapter 62 of the laws of 2011, is amended to  
7 read as follows:

8 § 619. Cooperation with authorized agencies of the department of  
9 social services. It shall be the duty of an official of any institution  
10 under the jurisdiction of the commissioner of corrections and community  
11 supervision to cooperate with an authorized agency of the department of  
12 social services in making suitable arrangements for an [~~inmate~~] incar-  
13 cerated individual confined therein to visit with his or her child  
14 pursuant to subdivision seven of section three hundred eighty-four-b of  
15 the social services law.

16 § 217. Section 622 of the correction law, as added by chapter 7 of the  
17 laws of 2007, subdivision 6 as amended by chapter 672 of the laws of  
18 2019, is amended to read as follows:

19 § 622. Sex offender treatment program. 1. The department shall make  
20 available a sex offender treatment program for those [~~inmates~~] incarcer-  
21 ated individuals who are serving sentences for felony sex offenses, or  
22 for other offenses defined in subdivision (p) of section 10.03 of the  
23 mental hygiene law, and are identified as having a need for such program  
24 in accordance with sections eight hundred three and eight hundred five  
25 of this chapter. In developing the treatment program, the department  
26 shall give due regard to standards, guidelines, best practices, and  
27 qualifications recommended by the office of sex offender management. The  
28 department shall make such treatment programs available sufficiently in  
29 advance of the time of the [~~inmate's~~] incarcerated individual's consid-  
30 eration by the case review team, pursuant to section 10.05 of the mental  
31 hygiene law, so as to allow the [~~inmate~~] incarcerated individual to  
32 complete the treatment program prior to that time.

33 2. The primary purpose of the program shall be to reduce the likeli-  
34 hood of reoffending by assisting such offenders to control their chain  
35 of behaviors that lead to sexual offending. The length of participation  
36 for each [~~inmate~~] incarcerated individual to achieve successful  
37 completion shall be dependent upon the initial assessment of the  
38 [~~inmate's~~] incarcerated individual's specific needs and the degree of  
39 progress made by the [~~inmate~~] incarcerated individual as a participant  
40 but shall not be less than six months.

41 3. The department's sex offender treatment program shall include resi-  
42 dential programs, which shall require that at each correctional facility  
43 where the residential program is provided, [~~inmate~~] incarcerated indi-  
44 vidual participants shall be housed within the same housing area in  
45 order to provide clinically appropriate treatment, and to provide a more  
46 structured and controlled setting.

47 4. Each residential program shall be staffed with a licensed psychol-  
48 ogist who shall provide clinical supervision to the treatment staff,  
49 review, approve and modify treatment plans as appropriate for individual  
50 [~~inmates~~] incarcerated individuals, provide clinical assessments for  
51 participating [~~inmates~~] incarcerated individuals, observe and partic-  
52 ipate in group sessions and make treatment recommendations. Each resi-  
53 dential program shall also be staffed with a licensed clinical social  
54 worker or other mental health professional who shall be knowledgeable  
55 about the administration of testing instruments that are designed to  
56 measure the degree of a sex offender's psychopathy and his or her

1 program needs. The assigned licensed psychologist shall also be know-  
2 ledgeable about the application of such testing instruments.

3 5. Any [~~inmate~~] incarcerated individual committed to the custody of  
4 the department on or after the effective date of this section for a  
5 felony sex offense, or for any of the other offenses listed in subdivi-  
6 sion (p) of section 10.03 of the mental hygiene law, shall, as soon as  
7 practicable, be initially assessed by staff of the office of mental  
8 health who shall be knowledgeable regarding the diagnosis, treatment,  
9 assessment or evaluation of sex offenders. The assessment shall include,  
10 but not be limited to, the determination of the degree to which the  
11 [~~inmate~~] incarcerated individual presents a risk of violent sexual reci-  
12 divism and his or her need for sex offender treatment while in prison.

13 6. Staff of the office of mental health and the office for people with  
14 developmental disabilities may be consulted about the [~~inmate's~~] incar-  
15 cerated individual's treatment needs and may assist in providing any  
16 additional treatment services determined to be clinically appropriate to  
17 address the [~~inmate's~~] incarcerated individual's underlying mental  
18 abnormality or disorder. Such treatment services shall be provided using  
19 professionally accepted treatment protocols.

20 § 218. Section 623 of the correction law, as added by chapter 240 of  
21 the laws of 2007, is amended to read as follows:

22 § 623. [~~inmate~~] incarcerated individual telephone services. 1. Tele-  
23 phone services contracts for [~~inmates~~] incarcerated individuals in state  
24 correctional facilities shall be subject to the procurement provisions  
25 as set forth in article eleven of the state finance law provided, howev-  
26 er, that when determining the best value of such telephone service, the  
27 lowest possible cost to the telephone user shall be emphasized.

28 2. The department shall make available either a "prepaid" or "collect  
29 call" system, or a combination thereof, for telephone service. Under the  
30 "prepaid" system, funds may be deposited into an account in order to pay  
31 for station-to-station calls, provided that nothing in this subdivision  
32 shall require the department to provide or administer a prepaid system.  
33 Under a "collect call" system, call recipients are billed for the cost  
34 of an accepted telephone call initiated by an [~~inmate~~] incarcerated  
35 individual. Under such "collect call" system, the provider of [~~inmate~~]  
36 incarcerated individual telephone service, as an additional means of  
37 payment, must permit the recipient of [~~inmate~~] incarcerated individual  
38 calls to establish an account with such provider in order to deposit  
39 funds to pay for such collect calls in advance.

40 3. The department shall not accept or receive revenue in excess of its  
41 reasonable operating cost for establishing and administering such tele-  
42 phone system services as provided in subdivisions one and two of this  
43 section.

44 4. The department shall establish rules and regulations or depart-  
45 mental procedures to ensure that any [~~inmate~~] incarcerated individual  
46 phone call system established by this section provides reasonable secu-  
47 rity measures to preserve the safety and security of each correctional  
48 facility, all staff and all persons outside a facility who may receive  
49 [~~inmate~~] incarcerated individual phone calls.

50 § 219. Section 624 of the correction law, as added by chapter 447 of  
51 the laws of 2016, is amended to read as follows:

52 § 624. Next of kin; death of [~~inmate~~] incarcerated individual. The  
53 department shall be responsive to inquiries from the next of kin and  
54 other person designated as the representative of any [~~inmate~~] incarcer-  
55 ated individual whose death takes place during custody regarding the  
56 circumstances surrounding the death of such [~~inmate~~] incarcerated indi-

1 vidual, the medical procedures used and the cause of death including  
2 preliminary determinations and final determination as reported by an  
3 autopsy report. The next of kin and other person designated as a repre-  
4 sentative shall be identified from the emergency contact information  
5 previously provided by the [~~inmate~~] incarcerated individual to the  
6 department.

7 § 220. Subdivisions 2, 3 and 4 of section 631 of the correction law,  
8 subdivision 2 as separately amended by chapters 411 and 622 of the laws  
9 of 1973 and subdivisions 3 and 4 as amended by chapter 622 of the laws  
10 of 1973, are amended to read as follows:

11 2. "Eligible [~~inmate~~] incarcerated individual" means a person confined  
12 in a city prison or reformatory in a city having a population of one  
13 million or more or in a county jail and penitentiaries of a county which  
14 elects to have this article apply thereto where a furlough program has  
15 been established who is sentenced to a definite period of six months or  
16 more or to a reformatory sentence of imprisonment and has served a mini-  
17 mum of six months of any such sentence.

18 3. "Furlough program" means a program under which eligible [~~inmates~~]  
19 incarcerated individuals may be granted the privilege of leaving the  
20 premises of a prison for a period not exceeding seventy-two hours for  
21 the purpose of seeking employment, maintaining family ties, solving  
22 family problems, to undergo surgery or to receive medical treatment or  
23 dental treatment not available in the correctional institution, or for  
24 any matter necessary to the furtherance of any such purposes.

25 4. "Extended bounds of confinement" means the area in which an  
26 [~~inmate~~] incarcerated individual participating in a furlough program may  
27 travel, the routes he or she is permitted to use, the places he or she  
28 is authorized to visit, and the hours, days, or specially defined period  
29 during which he or she is permitted to be absent from the premises of  
30 the institution. An extension of limits shall be under such prescribed  
31 conditions as the commissioner deems necessary. Such extension of limits  
32 may be withdrawn at any time.

33 § 221. Section 632 of the correction law, as added by chapter 886 of  
34 the laws of 1972, is amended to read as follows:

35 § 632. Establishment of a furlough program. [~~1-~~] The commissioner  
36 shall designate, in the rules and regulations of the department; appro-  
37 priate employees or an appropriate unit of the department, to be respon-  
38 sible for [~~(a)~~] (i) securing education, on-the-job training and employ-  
39 ment opportunities for [~~inmates~~] incarcerated individuals who are  
40 eligible to participate in a furlough program and [~~(b)~~] (ii) supervising  
41 [~~inmates~~] incarcerated individuals during their participation in a  
42 furlough program outside the premises of the institution.

43 § 222. The section heading and subdivisions 1, 2, 6 and 7 of section  
44 633 of the correction law, the section heading and subdivisions 2, 6 and  
45 7 as added by chapter 886 of the laws of 1972, and subdivision 1 as  
46 amended by chapter 622 of the laws of 1973, are amended to read as  
47 follows:

48 Procedure for furlough release of eligible [~~inmates~~] incarcerated  
49 individuals. 1. A person confined in a city prison or a county jail and  
50 penitentiaries of a county which elects to have this article apply ther-  
51 eto who is, or who within thirty days will become, an eligible [~~inmate~~]  
52 incarcerated individual, may make application to the furlough release  
53 committee of the institution for permission to participate in a furlough  
54 program.

55 2. Any eligible [~~inmate~~] incarcerated individual may make application  
56 to the furlough committee for leave of absence provided, however, that

1 in exigent circumstances such application may be made directly to the  
2 warden of the institution and the warden may exercise all of the powers  
3 of the furlough committee subject, however, to any limitations or  
4 requirements set forth in the rules and regulations of the department  
5 and subject further to the discretion of the commissioner.

6 6. After approving the program of furlough, the warden may then permit  
7 an eligible [~~inmate~~] incarcerated individual who has accepted such  
8 program to go outside the premises of the institution within the limits  
9 of the extended bounds of confinement described in the memorandum;  
10 provided, however, that no such permission shall become effective in the  
11 case of a furlough program prior to the time at which the person to be  
12 released becomes an eligible [~~inmate~~] incarcerated individual.

13 7. Participation in a furlough release program shall be a privilege.  
14 Nothing contained in this article may be construed to confer upon any  
15 [~~inmate~~] incarcerated individual the right to participate, or to contin-  
16 ue to participate in a furlough program. The warden of the institution  
17 may at any time, and upon recommendation of the furlough committee or of  
18 the commissioner, revoke any [~~inmate's~~] incarcerated individual's privi-  
19 lege to participate in a program of furlough.

20 § 223. Section 634 of the correction law, as added by chapter 886 of  
21 the laws of 1972, subdivisions 1 and 4 as amended by chapter 843 of the  
22 laws of 1980 and subdivision 2 as amended by chapter 622 of the laws of  
23 1973, is amended to read as follows:

24 § 634. Conduct of [~~inmates~~] incarcerated individuals participating in  
25 furlough program. 1. An [~~inmate~~] incarcerated individual who is permit-  
26 ted to leave the premises of an institution to participate in a furlough  
27 program shall have on his or her person a copy of the memorandum of that  
28 program as signed by the warden of the institution and shall exhibit  
29 such copy to any peace officer or police officer upon request of such  
30 officer.

31 2. If the [~~inmate~~] incarcerated individual violates any provision of  
32 the program, or any rule, or regulation promulgated by the commissioner  
33 for conduct of [~~inmates~~] incarcerated individuals participating in  
34 furlough programs, he or she shall be subject to disciplinary measures  
35 to the same extent as if he or she violated a rule or regulation of the  
36 commissioner for conduct of [~~inmates~~] incarcerated individuals within  
37 the premises of the institution.

38 3. The provisions of this section relating to good behavior of  
39 [~~inmates~~] incarcerated individuals while participating in furlough  
40 programs outside the premises of institutions, and such allowances may  
41 be granted, withheld, forfeited or cancelled in whole or part for behav-  
42 ior outside the premises of an institution to the same extent and in the  
43 same manner as is provided for behavior of [~~inmates~~] incarcerated indi-  
44 viduals within the premises of the institutions.

45 4. An [~~inmate~~] incarcerated individual who is in violation of the  
46 provisions of his or her furlough program may be taken into custody by  
47 any peace officer or police officer and, in such event the [~~inmate~~]  
48 incarcerated individual shall be returned forthwith to the institution  
49 that released him or her. In any case where the institution is in a  
50 county other than the one in which the [~~inmate~~] incarcerated individual  
51 is apprehended, the officer may deliver the [~~inmate~~] incarcerated indi-  
52 vidual to the nearest institution, jail or lockup and it shall be the  
53 duty of the person in charge of said facility to hold such [~~inmate~~]  
54 incarcerated individual securely until such time as he or she is deliv-  
55 ered into the custody of an officer of the institution from which he or  
56 she was released. Upon delivering the [~~inmate~~] incarcerated individual

1 to an institution, jail or lockup, other than the one from which he or  
2 she was released, the officer who apprehended the [~~inmate~~] incarcerated  
3 individual shall forthwith notify the warden of the institution from  
4 which the [~~inmate~~] incarcerated individual was released and it shall be  
5 the duty of the warden to effect the expeditious return of the [~~inmate~~]  
6 incarcerated individual to the institution.

7 § 224. Subparagraphs (ii) and (iv) of paragraph (d) of subdivision 1  
8 of section 803 of the correction law, as added by section 7 of chapter  
9 738 of the laws of 2004, are amended to read as follows:

10 (ii) Such merit time allowance shall not be available to any person  
11 serving an indeterminate sentence authorized for an A-I felony offense,  
12 other than an A-I felony offense defined in article two hundred twenty  
13 of the penal law, or any sentence imposed for a violent felony offense  
14 as defined in section 70.02 of the penal law, manslaughter in the second  
15 degree, vehicular manslaughter in the second degree, vehicular  
16 manslaughter in the first degree, criminally negligent homicide, an  
17 offense defined in article one hundred thirty of the penal law, incest,  
18 or an offense defined in article two hundred sixty-three of the penal  
19 law, or aggravated harassment of an employee by an [~~inmate~~] incarcerated  
20 individual.

21 (iv) Such merit time allowance may be granted when an [~~inmate~~] incar-  
22 cerated individual successfully participates in the work and treatment  
23 program assigned pursuant to section eight hundred five of this article  
24 and when such [~~inmate~~] incarcerated individual obtains a general equiv-  
25 alency diploma, an alcohol and substance abuse treatment certificate, a  
26 vocational trade certificate following at least six months of vocational  
27 programming or performs at least four hundred hours of service as part  
28 of a community work crew.

29 Such allowance shall be withheld for any serious disciplinary infrac-  
30 tion or upon a judicial determination that the person, while an [~~inmate~~]  
31 incarcerated individual, commenced or continued a civil action, proceed-  
32 ing or claim that was found to be frivolous as defined in subdivision  
33 (c) of section eight thousand three hundred three-a of the civil prac-  
34 tice law and rules, or an order of a federal court pursuant to rule 11  
35 of the federal rules of civil procedure imposing sanctions in an action  
36 commenced by a person, while an [~~inmate~~] incarcerated individual,  
37 against a state agency, officer or employee.

38 § 224-a. Subparagraphs (ii) and (iv) of paragraph (d) of subdivision 1  
39 of section 803 of the correction law, as added by section 10-a of chap-  
40 ter 738 of the laws of 2004, are amended to read as follows:

41 (ii) Such merit time allowance shall not be available to any person  
42 serving an indeterminate sentence authorized for an A-I felony offense,  
43 other than an A-I felony offense defined in article two hundred twenty  
44 of the penal law, or any sentence imposed for a violent felony offense  
45 as defined in section 70.02 of the penal law, manslaughter in the second  
46 degree, vehicular manslaughter in the second degree, vehicular  
47 manslaughter in the first degree, criminally negligent homicide, an  
48 offense defined in article one hundred thirty of the penal law, incest,  
49 or an offense defined in article two hundred sixty-three of the penal  
50 law, or aggravated harassment of an employee by an [~~inmate~~] incarcerated  
51 individual.

52 (iv) Such merit time allowance may be granted when an [~~inmate~~] incar-  
53 cerated individual successfully participates in the work and treatment  
54 program assigned pursuant to section eight hundred five of this article  
55 and when such [~~inmate~~] incarcerated individual obtains a general equiv-  
56 alency diploma, an alcohol and substance abuse treatment certificate, a



1 vocational trade certificate following at least six months of vocational  
2 programming or performs at least four hundred hours of service as part  
3 of a community work crew.

4 Such allowance shall be withheld for any serious disciplinary infrac-  
5 tion or upon a judicial determination that the person, while an [~~inmate~~]  
6 incarcerated individual, commenced or continued a civil action, proceed-  
7 ing or claim that was found to be frivolous as defined in subdivision  
8 (c) of section eight thousand three hundred three-a of the civil prac-  
9 tice law and rules, or an order of a federal court pursuant to rule 11  
10 of the federal rules of civil procedure imposing sanctions in an action  
11 commenced by a person, while an [~~inmate~~] incarcerated individual,  
12 against a state agency, officer or employee.

13 § 225. The section heading, clauses (A) and (C) of subparagraph (ii)  
14 of paragraph (b), paragraphs (c) and (e) of subdivision 1 and subdivi-  
15 sion 3 of section 803-b of the correction law, the section heading,  
16 clauses (A) and (C) of subparagraph (ii) of paragraph (b), paragraph (e)  
17 of subdivision 1 and subdivision 3 as added by section 4 of part L of  
18 chapter 56 of the laws of 2009, paragraph (c) of subdivision 1 as  
19 amended by section 1 of part E of chapter 55 of the laws of 2017, and  
20 subparagraph (ii) of paragraph (c) of subdivision 1 as amended by chap-  
21 ter 35 of the laws of 2020, are amended to read as follows:

22 Limited credit time allowances for [~~inmates~~] incarcerated individuals  
23 serving indeterminate or determinate sentences imposed for specified  
24 offenses.

25 (A) in the case of an eligible offender who is not subject to an inde-  
26 terminate sentence with a maximum term of life imprisonment, such offen-  
27 der shall be eligible for conditional release six months earlier than as  
28 provided by paragraph (b) of subdivision one of section 70.40 of the  
29 penal law, provided that the department determines such offender has  
30 earned the full amount of good time authorized by section eight hundred  
31 three of this article; the withholding of any good behavior time credit  
32 by the department shall render an [~~inmate~~] incarcerated individual inel-  
33 igible for the credit defined herein;

34 (C) an [~~inmate~~] incarcerated individual shall not be eligible for the  
35 credit defined herein if he or she is returned to the department pursu-  
36 ant to a revocation of presumptive release, parole, conditional release,  
37 or post-release supervision and has not been sentenced to an additional  
38 indeterminate or determinate term of imprisonment.

39 (c) "significant programmatic accomplishment" means that the [~~inmate~~]  
40 incarcerated individual:

41 (i) participates in no less than two years of college programming; or  
42 (ii) obtains an associate degree, bachelor's degree, master's degree  
43 or doctoral degree by completing a registered program from a New York  
44 state degree-granting institution, or a program offered by an out-of-  
45 state institution of higher education authorized to offer post-secondary  
46 distance education in New York state pursuant to applicable rules and  
47 regulations promulgated by the education department of the state of New  
48 York; or

49 (iii) successfully participates as an [~~inmate~~] incarcerated individual  
50 program associate for no less than two years; or

51 (iv) receives a certification from the state department of labor for  
52 his or her successful participation in an apprenticeship program; or

53 (v) successfully works as an [~~inmate~~] incarcerated individual hospice  
54 aid for a period of no less than two years; or

1 (vi) successfully works in the division of correctional industries'  
2 optical program for no less than two years and receives a certification  
3 as an optician from the American board of opticianry; or

4 (vii) receives an asbestos handling certificate from the department of  
5 labor upon successful completion of the training program and then works  
6 in the division of correctional industries' asbestos abatement program  
7 as a hazardous materials removal worker or group leader for no less than  
8 eighteen months; or

9 (viii) successfully completes the course curriculum and passes the  
10 minimum competency screening process performance examination for sign  
11 language interpreter, and then works as a sign language interpreter for  
12 deaf [~~inmate~~] incarcerated individuals for no less than one year; or

13 (ix) successfully works in the puppies behind bars program for a peri-  
14 od of no less than two years; or

15 (x) successfully participates in a vocational culinary arts program  
16 for a period of no less than two years and earns a servsafe certificate  
17 that is recognized by the national restaurant association; or

18 (xi) successfully completes the four hundred ninety hour training  
19 program while assigned to a department of motor vehicles call center,  
20 and continues to work at such call center for an additional twenty-one  
21 months; or

22 (xii) receives a certificate from the food production center in an  
23 assigned position following the completion of no less than eight hundred  
24 hours of work in such position, and continues to work for an additional  
25 eighteen months at the food production center.

26 (e) "disqualifying judicial determination" means a judicial determi-  
27 nation that the person, while an [~~inmate~~] incarcerated individual,  
28 commenced or continued a civil action or proceeding or claim that was  
29 found to be frivolous as defined in subdivision (c) of section eight  
30 thousand three hundred three-a of the civil practice law and rules, or  
31 an order of a federal court pursuant to rule 11 of the federal rules of  
32 civil procedure imposing sanctions in an action commenced by a person  
33 while an [~~inmate~~] incarcerated individual against a state agency, offi-  
34 cer or employee.

35 3. No person shall have the right to demand or require the credit  
36 authorized by this section. The commissioner may revoke at any time such  
37 credit for any disciplinary infraction committed by the [~~inmate~~] incar-  
38 cerated individual or for any failure to continue to participate  
39 successfully in any assigned work and treatment program after the  
40 certificate of earned eligibility has been awarded. Any action by the  
41 commissioner pursuant to this section shall be deemed a judicial func-  
42 tion and shall not be reviewable if done in accordance with law.

43 § 226. Section 805 of the correction law, as amended by section 4 of  
44 part E of chapter 62 of the laws of 2003, is amended to read as follows:

45 § 805. Earned eligibility program. Persons committed to the custody of  
46 the department under an indeterminate or determinate sentence of impri-  
47 sonment shall be assigned a work and treatment program as soon as prac-  
48 ticable. No earlier than two months prior to the [~~inmate's~~] incarcerated  
49 individual's eligibility to be paroled pursuant to subdivision one of  
50 section 70.40 of the penal law, the commissioner shall review the  
51 [~~inmate's~~] incarcerated individual's institutional record to determine  
52 whether he or she has complied with the assigned program. If the commis-  
53 sioner determines that the [~~inmate~~] incarcerated individual has success-  
54 fully participated in the program he or she may issue the [~~inmate~~]  
55 incarcerated individual a certificate of earned eligibility. Notwith-  
56 standing any other provision of law, an [~~inmate~~] incarcerated individual

1 who is serving a sentence with a minimum term of not more than eight  
2 years and who has been issued a certificate of earned eligibility, shall  
3 be granted parole release at the expiration of his or her minimum term  
4 or as authorized by subdivision four of section eight hundred sixty-sev-  
5 en of this chapter unless the board of parole determines that there is a  
6 reasonable probability that, if such [~~inmate~~] incarcerated individual is  
7 released, he or she will not live and remain at liberty without violat-  
8 ing the law and that his or her release is not compatible with the  
9 welfare of society. Any action by the commissioner pursuant to this  
10 section shall be deemed a judicial function and shall not be reviewable  
11 if done in accordance with law.

12 § 226-a. Section 805 of the correction law, as amended by chapter 262  
13 of the laws of 1987, is amended to read as follows:

14 § 805. Earned eligibility program. Persons committed to the custody of  
15 the department under an indeterminate sentence of imprisonment shall be  
16 assigned a work and treatment program as soon as practicable. No earlier  
17 than two months prior to the expiration of an [~~inmate's~~] incarcerated  
18 individual's minimum period of imprisonment, the commissioner shall  
19 review the [~~inmate's~~] incarcerated individual's institutional record to  
20 determine whether he or she has complied with the assigned program. If  
21 the commissioner determines that the [~~inmate~~] incarcerated individual  
22 has successfully participated in the program he or she may issue the  
23 [~~inmate~~] incarcerated individual a certificate of earned eligibility.  
24 Notwithstanding any other provision of law, an [~~inmate~~] incarcerated  
25 individual who is serving a sentence with a minimum term of not more  
26 than six years and who has been issued a certificate of earned eligibil-  
27 ity, shall be granted parole release at the expiration of his or her  
28 minimum term or as authorized by subdivision four of section eight  
29 hundred sixty-seven unless the board of parole determines that there is  
30 a reasonable probability that, if such [~~inmate~~] incarcerated individual  
31 is released, he or she will not live and remain at liberty without  
32 violating the law and that his or her release is not compatible with the  
33 welfare of society. Any action by the commissioner pursuant to this  
34 section shall be deemed a judicial function and shall not be reviewable  
35 if done in accordance with law.

36 § 227. Section 806 of the correction law, as added by section 5 of  
37 part E of chapter 62 of the laws of 2003, subdivision 3 as amended by  
38 section 40 of subpart B of part C of chapter 62 of the laws of 2011 and  
39 subdivision 6 as amended by chapter 45 of the laws of 2012, is amended  
40 to read as follows:

41 § 806. Presumptive release program for nonviolent [~~inmates~~] incarcer-  
42 ated individuals. 1. Notwithstanding any other provision of law to the  
43 contrary and except as provided in subdivision two of this section, an  
44 [~~inmate~~] incarcerated individual who has been awarded a certificate of  
45 earned eligibility by the commissioner as set forth in section eight  
46 hundred five of this article may be entitled to presumptive release at  
47 the expiration of the minimum or aggregate minimum period of his or her  
48 indeterminate term of imprisonment, provided that:

49 (i) the [~~inmate~~] incarcerated individual has not been convicted previ-  
50 ously of, nor is presently serving a sentence imposed for a class A-I  
51 felony, a violent felony offense as defined in section 70.02 of the  
52 penal law, manslaughter in the second degree, vehicular manslaughter in  
53 the second degree, vehicular manslaughter in the first degree, criminal-  
54 ly negligent homicide, an offense defined in article one hundred thirty  
55 of the penal law, incest, or an offense defined in article two hundred  
56 sixty-three of the penal law,

1 (ii) the ~~[inmate]~~ incarcerated individual has not committed any seri-  
2 ous disciplinary infraction, and

3 (iii) there has been no judicial determination that the person while  
4 an ~~[inmate]~~ incarcerated individual commenced or continued a civil  
5 action, proceeding or claim that was found to be frivolous as defined in  
6 subdivision (c) of section eight thousand three hundred three-a of the  
7 civil practice law and rules, or an order has not been issued by a  
8 federal court pursuant to rule 11 of the federal rules of civil proce-  
9 dure imposing sanctions in an action commenced by the ~~[inmate]~~ incarcer-  
10 ated individual against a state agency, officer or employee.

11 2. In the case of an ~~[inmate]~~ incarcerated individual who meets the  
12 criteria set forth in subdivision one of this section and who also meets  
13 the criteria for merit time as provided for in paragraph (d) of subdivi-  
14 sion one of section eight hundred three of this article, such ~~[inmate]~~  
15 incarcerated individual may be entitled to presumptive release, as  
16 provided in this section, at the expiration of five-sixths of the mini-  
17 mum or aggregate minimum period of his or her indeterminate term of  
18 imprisonment.

19 3. Any ~~[inmate]~~ incarcerated individual eligible for presumptive  
20 release pursuant to this section shall be required to apply for such  
21 release pursuant to section two hundred six of this chapter.

22 4. The commissioner shall promulgate rules and regulations for the  
23 granting, withholding, cancellation and rescission of presumptive release  
24 authorized by this section in accordance with law.

25 5. No person shall have the right to demand or require presumptive  
26 release authorized by this section. The commissioner may revoke at any  
27 time an ~~[inmate's]~~ incarcerated individual's scheduled presumptive  
28 release pursuant to this section for any disciplinary infraction commit-  
29 ted by the ~~[inmate]~~ incarcerated individual or for any failure to  
30 continue to participate successfully in any assigned work and treatment  
31 program after the certificate of earned eligibility has been awarded.  
32 The commissioner may deny presumptive release to any ~~[inmate]~~ incarcer-  
33 ated individual whenever the commissioner determines that such release  
34 may not be consistent with the safety of the community or the welfare of  
35 the ~~[inmate]~~ incarcerated individual. Any action by the commissioner  
36 pursuant to this section shall be deemed a judicial function and shall  
37 not be reviewable if done in accordance with law.

38 6. Any eligible ~~[inmate]~~ incarcerated individual who is not released  
39 pursuant to subdivision one or two of this section shall be considered  
40 for discretionary release on parole pursuant to the provisions of  
41 section eight hundred five of this article or section two hundred  
42 fifty-nine-i of the executive law, whichever is applicable.

43 7. Any reference to parole and conditional release in this chapter  
44 shall also be deemed to include presumptive release.

45 § 228. Subdivision 2 of section 851 of the correction law, as amended  
46 by chapter 60 of the laws of 1994, the opening paragraph as amended by  
47 chapter 320 of the laws of 2006 and the closing paragraph as amended by  
48 section 42 of subpart B of part C of chapter 62 of the laws of 2011, is  
49 amended to read as follows:

50 2. "Eligible ~~[inmate]~~ incarcerated individual" means: a person  
51 confined in an institution who is eligible for release on parole or who  
52 will become eligible for release on parole or conditional release within  
53 two years. Provided, however, that a person under sentence for an  
54 offense defined in paragraphs (a) and (b) of subdivision one of section  
55 70.02 of the penal law, where such offense involved the use or threat-  
56 ened use of a deadly weapon or dangerous instrument shall not be eligi-

1 ble to participate in a work release program until he or she is eligible  
2 for release on parole or who will be eligible for release on parole or  
3 conditional release within eighteen months. Provided, further, however,  
4 that a person under a determinate sentence as a second felony drug  
5 offender for a class B felony offense defined in article two hundred  
6 twenty of the penal law, who was sentenced pursuant to section 70.70 of  
7 such law, shall not be eligible to participate in a temporary release  
8 program until the time served under imprisonment for his or her determi-  
9 nate sentence, including any jail time credited pursuant to the  
10 provisions of article seventy of the penal law, shall be at least eigh-  
11 teen months. In the case of a person serving an indeterminate sentence  
12 of imprisonment imposed pursuant to the penal law in effect after  
13 September one, nineteen hundred sixty-seven, for the purposes of this  
14 article parole eligibility shall be upon the expiration of the minimum  
15 period of imprisonment fixed by the court or where the court has not  
16 fixed any period, after service of the minimum period fixed by the state  
17 board of parole. If an [~~inmate~~] incarcerated individual is denied  
18 release on parole, such [~~inmate~~] incarcerated individual shall not be  
19 deemed an eligible [~~inmate~~] incarcerated individual until he or she is  
20 within two years of his or her next scheduled appearance before the  
21 state parole board. In any case where an [~~inmate~~] incarcerated individ-  
22 ual is denied release on parole while participating in a temporary  
23 release program, the department shall review the status of the [~~inmate~~]  
24 incarcerated individual to determine if continued placement in the  
25 program is appropriate. No person convicted of any escape or absconding  
26 offense defined in article two hundred five of the penal law shall be  
27 eligible for temporary release. Further, no person under sentence for  
28 aggravated harassment of an employee by an [~~inmate~~] incarcerated indi-  
29 vidual as defined in section 240.32 of the penal law for, any homicide  
30 offense defined in article one hundred twenty-five of the penal law, for  
31 any sex offense defined in article one hundred thirty of the penal law,  
32 or for an offense defined in section 255.25, 255.26 or 255.27 of the  
33 penal law shall be eligible to participate in a work release program as  
34 defined in subdivision three of this section. Nor shall any person under  
35 sentence for any sex offense defined in article one hundred thirty of  
36 the penal law be eligible to participate in a community services program  
37 as defined in subdivision five of this section. Notwithstanding the  
38 foregoing, no person who is an otherwise eligible [~~inmate~~] incarcerated  
39 individual who is under sentence for a crime involving: (a) infliction  
40 of serious physical injury upon another as defined in the penal law or  
41 (b) any other offense involving the use or threatened use of a deadly  
42 weapon may participate in a temporary release program without the writ-  
43 ten approval of the commissioner. The commissioner shall promulgate  
44 regulations giving direction to the temporary release committee at each  
45 institution in order to aid such committees in carrying out this  
46 mandate.

47 The governor, by executive order, may exclude or limit the partic-  
48 ipation of any class of otherwise eligible [~~inmates~~] incarcerated indi-  
49 viduals from participation in a temporary release program. Nothing in  
50 this paragraph shall be construed to affect either the validity of any  
51 executive order previously issued limiting the participation of other-  
52 wise eligible [~~inmates~~] incarcerated individuals in such program or the  
53 authority of the commissioner to impose appropriate regulations limiting  
54 such participation.

55 § 228-a. Subdivisions 2-a, 3, 4, 5, 6, 7, 8 and 10 of section 851 of  
56 the correction law, subdivision 2-a as added by chapter 251 of the laws

1 of 2002, subdivision 3 as amended by chapter 60 of the laws of 1994,  
2 subdivisions 4, 5, 6, 7, 8 and 10 as amended by chapter 691 of the laws  
3 of 1977 and paragraph (a) of subdivision 6 as amended by chapter 107 of  
4 the laws of 1983, are amended to read as follows:

5 2-a. Notwithstanding subdivision two of this section, the term "eligi-  
6 ble [~~inmate~~] incarcerated individual" shall also include a person  
7 confined in an institution who is eligible for release on parole or who  
8 will become eligible for release on parole or conditional release within  
9 two years, and who was convicted of a homicide offense as defined in  
10 article one hundred twenty-five of the penal law or an assault offense  
11 defined in article one hundred twenty of the penal law, and who can  
12 demonstrate to the commissioner that: (a) the victim of such homicide or  
13 assault was a member of the [~~inmate's~~] incarcerated individual's immedi-  
14 ate family as that term is defined in section 120.40 of the penal law or  
15 had a child in common with the [~~inmate~~] incarcerated individual; (b) the  
16 [~~inmate~~] incarcerated individual was subjected to substantial physical,  
17 sexual or psychological abuse committed by the victim of such homicide  
18 or assault; and (c) such abuse was a substantial factor in causing the  
19 [~~inmate~~] incarcerated individual to commit such homicide or assault.  
20 With respect to an [~~inmate's~~] incarcerated individual's claim that he or  
21 she was subjected to substantial physical, sexual or psychological abuse  
22 committed by the victim, such demonstration shall include corroborative  
23 material that may include, but is not limited to, witness statements,  
24 social services records, hospital records, law enforcement records and a  
25 showing based in part on documentation prepared at or near the time of  
26 the commission of the offense or the prosecution thereof tending to  
27 support the [~~inmate's~~] incarcerated individual's claim. Prior to making  
28 a determination under this subdivision, the commissioner is required to  
29 request and take into consideration the opinion of the district attorney  
30 who prosecuted the underlying homicide or assault offense and the opin-  
31 ion of the sentencing court. If such opinions are received within  
32 forty-five days of the request, the commissioner shall take them into  
33 consideration. If such opinions are not so received, the commissioner  
34 may proceed with the determination. Any action by the commissioner  
35 pursuant to this subdivision shall be deemed a judicial function and  
36 shall not be reviewable in any court.

37 3. "Work release program" means a program under which eligible  
38 [~~inmates~~] incarcerated individuals may be granted the privilege of leav-  
39 ing the premises of an institution for a period not exceeding fourteen  
40 hours in any day for the purpose of on-the-job training or employment,  
41 or for any matter necessary to the furtherance of any such purposes. No  
42 person shall be released into a work release program unless prior to  
43 release such person has a reasonable assurance of a job training program  
44 or employment. If after release, such person ceases to be employed or  
45 ceases to participate in the training program, the [~~inmate's~~] incarcer-  
46 ated individual's privilege to participate in such work release program  
47 may be revoked in accordance with rules and regulations promulgated by  
48 the commissioner.

49 4. "Furlough program" means a program under which eligible [~~inmates~~]  
50 incarcerated individuals may be granted the privilege of leaving the  
51 premises of an institution for a period not exceeding seven days for the  
52 purpose of seeking employment, maintaining family ties, solving family  
53 problems, seeking post-release housing, attending a short-term educa-  
54 tional or vocational training course, or for any matter necessary to the  
55 furtherance of any such purposes.

1 5. "Community services program" means a program under which eligible  
2 [~~inmates~~] incarcerated individuals may be granted the privilege of leav-  
3 ing the premises of an institution for a period not exceeding fourteen  
4 hours in any day for the purpose of participation in religious services,  
5 volunteer work, or athletic events, or for any matter necessary to the  
6 furtherance of any such purposes.

7 6. "Leave of absence" means a privilege granted to an [~~inmate~~] incar-  
8 cerated individual, who need not be an "eligible [~~inmate~~] incarcerated  
9 individual," to leave the premises of an institution for the period of  
10 time necessary:

11 (a) to visit his or her spouse, child, brother, sister, grandchild,  
12 parent, grandparent or ancestral aunt or uncle during his or her last  
13 illness if death appears to be imminent;

14 (b) to attend the funeral of such individual;

15 (c) to undergo surgery or to receive medical or dental treatment not  
16 available in the correctional institution only if deemed absolutely  
17 necessary to the health and well-being of the [~~inmate~~] incarcerated  
18 individual and whose approval is granted by the commissioner or his or  
19 her designated representative.

20 7. "Educational leave" means a privilege granted to an eligible  
21 [~~inmate~~] incarcerated individual to leave the premises of an institution  
22 for a period not exceeding fourteen hours in any day for the purpose of  
23 education or vocational training, or for any matter necessary to the  
24 furtherance of any such purposes.

25 8. "Industrial training leave" means a privilege granted to an eligi-  
26 ble [~~inmate~~] incarcerated individual to leave the premises of an insti-  
27 tution for a period not exceeding fourteen hours in any day for the  
28 purpose of participating in an industrial training program, or for any  
29 matter necessary to the furtherance of any such purpose.

30 10. "Extended bounds of confinement" means the area in which an  
31 [~~inmate~~] incarcerated individual participating in a temporary release  
32 program may travel, the routes he or she is permitted to use, the places  
33 he or she is authorized to visit, and the hours, days, or specially  
34 defined period during which he or she is permitted to be absent from the  
35 premises of the institution.

36 § 228-b. Subdivision 2 of section 851 of the correction law, as  
37 amended by chapter 447 of the laws of 1991, the opening paragraph as  
38 amended by chapter 252 of the laws of 2005 and the closing paragraph as  
39 amended by section 43 of subpart B of part C of chapter 62 of the laws  
40 of 2011, is amended to read as follows:

41 2. "Eligible [~~inmate~~] incarcerated individual" means: a person  
42 confined in an institution who is eligible for release on parole or who  
43 will become eligible for release on parole or conditional release within  
44 two years. Provided, that a person under a determinate sentence as a  
45 second felony drug offender for a class B felony offense defined in  
46 article two hundred twenty of the penal law, who was sentenced pursuant  
47 to section 70.70 of such law, shall not be eligible to participate in a  
48 temporary release program until the time served under imprisonment for  
49 his or her determinate sentence, including any jail time credited pursu-  
50 ant to the provisions of article seventy of the penal law, shall be at  
51 least eighteen months. In the case of a person serving an indeterminate  
52 sentence of imprisonment imposed pursuant to the penal law in effect  
53 after September one, nineteen hundred sixty-seven, for the purposes of  
54 this article parole eligibility shall be upon the expiration of the  
55 minimum period of imprisonment fixed by the court or where the court has  
56 not fixed any period, after service of the minimum period fixed by the

1 state board of parole. If an [~~inmate~~] incarcerated individual is denied  
2 release on parole, such [~~inmate~~] incarcerated individual shall not be  
3 deemed an eligible [~~inmate~~] incarcerated individual until he or she is  
4 within two years of his or her next scheduled appearance before the  
5 state parole board. In any case where an [~~inmate~~] incarcerated individ-  
6 ual is denied release on parole while participating in a temporary  
7 release program, the department shall review the status of the [~~inmate~~]  
8 incarcerated individual to determine if continued placement in the  
9 program is appropriate. No person convicted of any escape or absconding  
10 offense defined in article two hundred five of the penal law shall be  
11 eligible for temporary release. Nor shall any person under sentence for  
12 any sex offense defined in article one hundred thirty of the penal law  
13 be eligible to participate in a community services program as defined in  
14 subdivision five of this section. Notwithstanding the foregoing, no  
15 person who is an otherwise eligible [~~inmate~~] incarcerated individual who  
16 is under sentence for a crime involving: (a) infliction of serious phys-  
17 ical injury upon another as defined in the penal law, (b) a sex offense  
18 involving forcible compulsion, or (c) any other offense involving the  
19 use or threatened use of a deadly weapon may participate in a temporary  
20 release program without the written approval of the commissioner. The  
21 commissioner shall promulgate regulations giving direction to the tempo-  
22 rary release committee at each institution in order to aid such commit-  
23 tees in carrying out this mandate.

24 The governor, by executive order, may exclude or limit the partic-  
25 ipation of any class of otherwise eligible [~~inmates~~] incarcerated indi-  
26 viduals from participation in a temporary release program. Nothing in  
27 this paragraph shall be construed to affect either the validity of any  
28 executive order previously issued limiting the participation of other-  
29 wise eligible [~~inmates~~] incarcerated individuals in such program or the  
30 authority of the commissioner to impose appropriate regulations limiting  
31 such participation.

32 § 228-c. Subdivisions 3, 4, 5, 6, 7, 8 and 10 of section 851 of the  
33 correction law, subdivision 3 as added by chapter 60 of the laws of  
34 1994, subdivisions 4, 5, 6, 7, 8 and 10 as amended by chapter 691 of the  
35 laws of 1977 and paragraph (a) of subdivision 6 as amended by chapter  
36 107 of the laws of 1983, are amended to read as follows:

37 3. "Work release program" means a program under which eligible  
38 [~~inmates~~] incarcerated individuals may be granted the privilege of leav-  
39 ing the premises of an institution for a period not exceeding fourteen  
40 hours in any day for the purpose of on-the-job training or employment,  
41 or for any matter necessary to the furtherance of any such purposes. No  
42 person shall be released into a work release program unless prior to  
43 release such person has a reasonable assurance of a job training program  
44 or employment. If after release, such person ceases to be employed or  
45 ceases to participate in the training program, the [~~inmate's~~] incarcer-  
46 ated individual's privilege to participate in such work release program  
47 may be revoked in accordance with rules and regulations promulgated by  
48 the commissioner.

49 4. "Furlough program" means a program under which eligible [~~inmates~~]  
50 incarcerated individuals may be granted the privilege of leaving the  
51 premises of an institution for a period not exceeding seven days for the  
52 purpose of seeking employment, maintaining family ties, solving family  
53 problems, seeking post-release housing, attending a short-term educa-  
54 tional or vocational training course, or for any matter necessary to the  
55 furtherance of any such purposes.



1 5. "Community services program" means a program under which eligible  
2 [~~inmates~~] incarcerated individuals may be granted the privilege of leav-  
3 ing the premises of an institution for a period not exceeding fourteen  
4 hours in any day for the purpose of participation in religious services,  
5 volunteer work, or athletic events, or for any matter necessary to the  
6 furtherance of any such purposes.

7 6. "Leave of absence" means a privilege granted to an [~~inmate~~] incar-  
8 cerated individual, who need not be an "eligible [~~inmate~~] incarcerated  
9 individual," to leave the premises of an institution for the period of  
10 time necessary:

11 (a) to visit his or her spouse, child, brother, sister, grandchild,  
12 parent, grandparent or ancestral aunt or uncle during his or her last  
13 illness if death appears to be imminent;

14 (b) to attend the funeral of such individual;

15 (c) to undergo surgery or to receive medical or dental treatment not  
16 available in the correctional institution only if deemed absolutely  
17 necessary to the health and well-being of the [~~inmate~~] incarcerated  
18 individual and whose approval is granted by the commissioner or his or  
19 her designated representative.

20 7. "Educational leave" means a privilege granted to an eligible  
21 [~~inmate~~] incarcerated individual to leave the premises of an institution  
22 for a period not exceeding fourteen hours in any day for the purpose of  
23 education or vocational training, or for any matter necessary to the  
24 furtherance of any such purposes.

25 8. "Industrial training leave" means a privilege granted to an eligi-  
26 ble [~~inmate~~] incarcerated individual to leave the premises of an insti-  
27 tution for a period not exceeding fourteen hours in any day for the  
28 purpose of participating in an industrial training program, or for any  
29 matter necessary to the furtherance of any such purpose.

30 10. "Extended bounds of confinement" means the area in which an  
31 [~~inmate~~] incarcerated individual participating in a temporary release  
32 program may travel, the routes he or she is permitted to use, the places  
33 he or she is authorized to visit, and the hours, days, or specially  
34 defined period during which he or she is permitted to be absent from the  
35 premises of the institution.

36 § 228-d. Subdivisions 2, 3 and 4 of section 851 of the correction law,  
37 as added by chapter 472 of the laws of 1969, are amended to read as  
38 follows:

39 2. "Eligible [~~inmate~~] incarcerated individual" means a person confined  
40 in an institution where a work release program has been established who  
41 is eligible for release on parole or who will become eligible for  
42 release on parole within one year.

43 3. "Work release program" means a program under which eligible  
44 [~~inmates~~] incarcerated individual may be granted the privilege of leav-  
45 ing the premises of an institution for the purpose of education, on-the-  
46 job training or employment.

47 4. "Extended bounds of confinement" means the area in which an  
48 [~~inmate~~] incarcerated individual participating in a work release program  
49 may travel, the routes he or she is permitted to use, the places he or  
50 she is authorized to visit, and the hours, not exceeding fourteen hours  
51 in any day, he or she is permitted to be absent from the premises of the  
52 institution.

53 § 229. Subdivisions 1, 3, 4 and 5 of section 852 of the correction  
54 law, subdivisions 1, 3 and 4 as amended by chapter 691 of the laws of  
55 1977 and subdivision 5 as amended by section 44 of subpart B of part C  
56 of chapter 62 of the laws of 2011, are amended to read as follows:

1 1. The commissioner, guided by consideration for the safety of the  
2 community and the welfare of the [~~inmate~~] incarcerated individual, shall  
3 review and evaluate all existing rules, regulations and directives  
4 relating to current temporary release programs and consistent with the  
5 provisions of this article for the administration of temporary release  
6 programs shall by January first, nineteen hundred seventy-eight promul-  
7 gate new rules and regulations for the various forms of temporary  
8 release. Such rules and regulations shall reflect the purposes of the  
9 different programs and shall include but not be limited to selection  
10 criteria, supervision and procedures for the disposition of each appli-  
11 cation.

12 3. Work release programs may be established only at institutions clas-  
13 sified by the commissioner as work release facilities. Educational  
14 release programs may be established only at those educational insti-  
15 tutions which shall maintain attendance records for participating  
16 [~~inmates~~] incarcerated individuals.

17 4. The commissioner shall designate in the rules and regulations of  
18 the department appropriate employees or an appropriate unit of the  
19 department to be responsible for (a) securing education, on-the-job  
20 training and employment opportunities for [~~inmates~~] incarcerated indi-  
21 viduals who are eligible to participate in a work release program, and  
22 (b) assisting such [~~inmates~~] incarcerated individuals in such other  
23 manner as necessary or desirable to assure the success of the program.

24 5. All [~~inmates~~] incarcerated individuals participating in temporary  
25 release programs shall be assigned to parole officers for supervision.  
26 As part of the parole officer's supervisory functions he or she shall be  
27 required to provide reports every two months on each [~~inmate~~] incarcer-  
28 ated individual under his or her supervision. Such reports shall  
29 include but not be limited to:

30 (a) an evaluation of the individual's participation in such program;

31 (b) a statement of any problems and the manner in which such problems  
32 were resolved relative to an individual's participation in such  
33 programs; and

34 (c) a recommendation with respect to the individual's continued  
35 participation in the program.

36 § 229-a. Subdivision 2 of section 852 of the correction law, as  
37 amended by section 45 of subpart B of part C of chapter 62 of the laws  
38 of 2011, is amended to read as follows:

39 2. The department shall be responsible for securing appropriate educa-  
40 tion, on-the-job training and employment opportunities for eligible  
41 [~~inmates~~] incarcerated individuals and shall supervise [~~inmates~~] incar-  
42 cerated individuals during their participation in work release programs  
43 outside the premises of institutions.

44 § 230. Subdivisions (a), (b), (e) and (f) of section 853 of the  
45 correction law, as amended by chapter 757 of the laws of 1981, are  
46 amended to read as follows:

47 (a) number of [~~inmate~~] incarcerated individual participants in each  
48 temporary release program;

49 (b) number of [~~inmates~~] incarcerated individuals participating in  
50 temporary release for whom written approval of the commissioner was  
51 required pursuant to subdivision two of section eight hundred fifty-one  
52 of this chapter;

53 (e) number of [~~inmates~~] incarcerated individuals arrested;

54 (f) [~~inmates~~] incarcerated individuals involuntarily returned for  
55 violations by institution;

1 § 231. Section 855 of the correction law, as amended by chapter 691 of  
2 the laws of 1977, subdivision 6 as amended by section 47 of subpart B of  
3 part C of chapter 62 of the laws of 2011, is amended to read as follows:

4 § 855. Procedure for temporary release of [~~inmates~~] incarcerated indi-  
5 viduals. 1. A person confined in an institution designated for the  
6 conduct of work release programs who is an eligible [~~inmate~~] incarcerat-  
7 ed individual, may make application to the temporary release committee  
8 of the institution for permission to participate in a work release  
9 program.

10 2. Any eligible [~~inmate~~] incarcerated individual may make application  
11 to the temporary release committee for participation in a furlough  
12 program or community services program, or for an industrial training  
13 leave or educational leave.

14 3. Any [~~inmate~~] incarcerated individual may make application to the  
15 temporary release committee for a leave of absence provided, however,  
16 that in exigent circumstances such application may be made directly to  
17 the superintendent of the institution and the superintendent may exer-  
18 cise all of the powers of the temporary release committee subject,  
19 however, to any limitation or requirement set forth in the rules and  
20 regulations of the department and subject further to the discretion of  
21 the commissioner. All leave of absences provided in exigent circum-  
22 stances shall state the reasons for approval or disapproval of the  
23 application and shall be included in the [~~inmate's~~] incarcerated indi-  
24 vidual's institutional parole file.

25 4. If the temporary release committee determines that a temporary  
26 release program for the applicant is consistent with the safety of the  
27 community and the welfare of the applicant, and is consistent with rules  
28 and regulations of the department, the committee, with the assistance of  
29 the employees or unit designated by the commissioner pursuant to subdi-  
30 vision four of section eight hundred fifty-two of this article, shall  
31 develop a suitable program of temporary release for the applicant.  
32 Consistent with these provisions, any educational leave program shall  
33 consider the scheduling of classes to insure a reduction of release time  
34 not spent in educational pursuits.

35 5. The committee shall then prepare a memorandum setting forth the  
36 details of the temporary release program including the extended bounds  
37 of confinement and any other matter required by rules or regulations of  
38 the department. Such memorandum shall be transmitted to the superinten-  
39 dent who may approve or reject the program, subject to rules and regu-  
40 lations promulgated by the commissioner. If the superintendent approves  
41 the program, he or she shall indicate such approval in writing by sign-  
42 ing the memorandum. If the superintendent rejects the program, he or she  
43 shall state his or her reasons in writing and a copy of his or her  
44 statement shall be given to the [~~inmate~~] incarcerated individual and to  
45 the commissioner and such decision shall be reviewed by the commision-  
46 er. If the commissioner rejects the program, he or she shall state his  
47 or her reasons in writing. A copy of such statement shall be filed in  
48 the [~~inmate's~~] incarcerated individual's institutional file.

49 6. In order for an applicant to accept a program of temporary release,  
50 such [~~inmate~~] incarcerated individual shall agree to be bound by all the  
51 terms and conditions thereof and shall indicate such agreement by sign-  
52 ing the memorandum of the program immediately below a statement reading  
53 as follows: "I accept the foregoing program and agree to be bound by the  
54 terms and conditions thereof. I understand that I will be under the  
55 supervision of the state department of corrections and community super-  
56 vision while I am away from the premises of the institution and I agree

1 to comply with the instructions of any parole officer or other employee  
2 of the department assigned to supervise me. I understand that my partic-  
3 ipation in the program is a privilege which may be revoked at any time,  
4 and that if I violate any provision of the program I may be taken into  
5 custody by any peace officer or police officer and I will be subject to  
6 disciplinary procedures. I further understand that if I intentionally  
7 fail to return to the institution at or before the time specified in the  
8 memorandum I may be found guilty of a felony." Such agreement shall be  
9 placed on file at the institution from which such temporary release is  
10 granted.

11 7. After approving the program of temporary release, the superinten-  
12 dent may then permit an [~~inmate~~] incarcerated individual who has  
13 accepted such program to go outside the premises of the institution  
14 within the limits of the extended bounds of confinement described in the  
15 memorandum; provided, however, that no such permission shall become  
16 effective in the case of a work release or furlough program prior to the  
17 time at which the person to be released becomes an eligible [~~inmate~~]  
18 incarcerated individual.

19 8. At least three days before releasing an [~~inmate~~] incarcerated indi-  
20 vidual on a temporary release program, the superintendent shall notify  
21 in writing the sheriff or chief of police of the community into which  
22 the [~~inmate~~] incarcerated individual is to be released.

23 9. Participation in a temporary release program shall be a privilege.  
24 Nothing contained in this article may be construed to confer upon any  
25 [~~inmate~~] incarcerated individual the right to participate, or to contin-  
26 ue to participate, in a temporary release program. The superintendent of  
27 the institution may at any time, and upon recommendation of the tempo-  
28 rary release committee or of the commissioner or of the chairman of the  
29 state board of parole or his or her designee shall, revoke any  
30 [~~inmate's~~] incarcerated individual's privilege to participate in a  
31 program of temporary release in accordance with regulations promulgated  
32 by the commissioner.

33 § 231-a. The section heading, subdivisions 1, 5 and 6 of section 853  
34 of the correction law, as added by chapter 472 of the laws of 1969, are  
35 amended to read as follows:

36 Procedure for release of eligible [~~inmates~~] incarcerated individuals.

37 1. A person confined in an institution designated for the conduct of  
38 work release programs who is, or who within ninety days will become, an  
39 eligible [~~inmate~~] incarcerated individual, may make application to the  
40 work release committee of the institution for permission to participate  
41 in a work release program.

42 5. After approving the program of work release, the warden may then  
43 permit an eligible [~~inmate~~] incarcerated individual who has accepted  
44 such program to go outside the premises of the institution within the  
45 limits of the extended bounds of confinement described in the memoran-  
46 dum.

47 6. Participation in a work release program shall be a privilege. Noth-  
48 ing contained in this article may be construed to confer upon any  
49 [~~inmate~~] incarcerated individual the right to participate, or to contin-  
50 ue to participate, in a work release program. The warden of the institu-  
51 tion may at any time, and upon recommendation of the work release  
52 committee or of the chairman of the state board of parole or his or her  
53 designee shall, revoke any [~~inmate's~~] incarcerated individual's privi-  
54 lege to participate in a program of work release.

1 § 232. Section 856 of the correction law, as amended by chapter 691 of  
2 the laws of 1977, subdivisions 1 and 4 as amended by chapter 843 of the  
3 laws of 1980, is amended to read as follows:

4 § 856. Conduct of [~~inmates~~] incarcerated individuals participating in  
5 a temporary release program. 1. An [~~inmate~~] incarcerated individual who  
6 is permitted to leave the premises of an institution to participate in a  
7 temporary release program shall have on his or her person a card identi-  
8 fying him or her as a participant in a temporary release program as  
9 signed by the superintendent of the institution at all times while  
10 outside the premises of the institution and shall exhibit such card to  
11 any peace officer or police officer upon request of such officer. The  
12 commissioner may, by regulation, require such information, including  
13 effective dates, to be included in such card as he or she shall deem  
14 necessary and proper.

15 2. If the [~~inmate~~] incarcerated individual violates any provision of  
16 the program, or any rule or regulation promulgated by the commissioner  
17 for conduct of [~~inmates~~] incarcerated individuals participating in  
18 temporary release programs, such [~~inmate~~] incarcerated individual shall  
19 be subject to disciplinary measures to the same extent as if he or she  
20 violated a rule or regulation of the commissioner for conduct of  
21 [~~inmates~~] incarcerated individuals within the premises of the institu-  
22 tion. The failure of an [~~inmate~~] incarcerated individual to voluntarily  
23 return to the institution of his or her confinement more than ten hours  
24 after his or her prescribed time of return shall create a rebuttable  
25 presumption that the failure to return was intentional. Any [~~inmate~~]  
26 incarcerated individual who is found to have intentionally failed to  
27 return pursuant to this subdivision shall be an absconder in violation  
28 of his or her temporary release program and will not be an eligible  
29 [~~inmate~~] incarcerated individual as defined in subdivision two of  
30 section eight hundred fifty-one of this chapter. The creation of such  
31 rebuttable presumption shall not be admissible in any court of law as  
32 evidence of the commission of any crime defined in the penal law. A full  
33 report of any such violation, a summary of the facts and findings of the  
34 disciplinary hearing and disciplinary measures taken, shall be made  
35 available to the board for the [~~inmate's~~] incarcerated individual's next  
36 scheduled appearance before the state board of parole including any  
37 defense or explanation offered by the [~~inmate~~] incarcerated individual  
38 in response at such hearing.

39 3. The provisions of this chapter relating to good behavior allowances  
40 shall apply to behavior of [~~inmates~~] incarcerated individuals while  
41 participating in temporary release programs outside the premises of  
42 institutions, and such allowances may be granted, withheld, forfeited or  
43 cancelled in whole or in part for behavior outside the premises of an  
44 institution to the same extent and in the same manner as is provided for  
45 behavior of [~~inmates~~] incarcerated individuals within the premises of  
46 institutions.

47 4. An [~~inmate~~] incarcerated individual who is in violation of the  
48 provisions of his or her temporary release program may be taken into  
49 custody by any peace officer or police officer and, in such event, the  
50 [~~inmate~~] incarcerated individual shall be returned forthwith to either  
51 the institution that released him or her, or to the nearest secure  
52 facility where greater security is indicated. In any case where the  
53 institution is in a county other than the one in which the [~~inmate~~]  
54 incarcerated individual is apprehended, the officer may deliver the  
55 [~~inmate~~] incarcerated individual to the nearest institution, jail or  
56 lockup and it shall be the duty of the person in charge of said facility

1 to hold such [~~inmate~~] incarcerated individual securely until such time  
2 as he or she is delivered into the custody of an officer of the institu-  
3 tion from which he or she was released. Upon delivering the [~~inmate~~]  
4 incarcerated individual to an institution, jail or lockup, other than  
5 the one from which the [~~inmate~~] incarcerated individual was released,  
6 the officer who apprehended the [~~inmate~~] incarcerated individual shall  
7 forthwith notify the superintendent of the institution from which the  
8 [~~inmate~~] incarcerated individual was released and it shall be the duty  
9 of the superintendent to effect the expeditious return of the [~~inmate~~]  
10 incarcerated individual to the institution.

11 5. Upon the conclusion or termination of a temporary release program,  
12 a full report of the [~~inmate's~~] incarcerated individual's performance in  
13 such program shall be prepared in accordance with regulations of the  
14 commissioner. Such report shall include but not be limited to: adjust-  
15 ment to release, supervision contacts, statement of any violations of  
16 the terms and conditions of release and of any disciplinary actions  
17 taken, and an assessment of the [~~inmate's~~] incarcerated individual's  
18 suitability for parole. Such report shall be made available to the state  
19 board of parole for the [~~inmate's~~] incarcerated individual's next sched-  
20 uled appearance before such board.

21 § 232-a. Section 854 of the correction law, as added by chapter 472 of  
22 the laws of 1969, subdivision 2 as amended by section 46 of subpart B of  
23 part C of section 62 of the laws of 2011, is amended to read as follows:

24 § 854. Conduct of [~~inmates~~] incarcerated individuals participating in  
25 work release program. 1. An [~~inmate~~] incarcerated individual who is  
26 permitted to leave the premises of an institution to participate in a  
27 program of work release shall have on his or her person a copy of the  
28 memorandum of that program as signed by the warden of the institution at  
29 all times while outside the premises of the institution and shall exhib-  
30 it such copy to any peace officer upon request of the officer.

31 2. If the [~~inmate~~] incarcerated individual violates any provision of  
32 the program, or any rule or regulation promulgated by the commissioner  
33 of corrections and community supervision for conduct of [~~inmates~~] incar-  
34 cerated individuals participating in work release programs, he or she  
35 shall be subject to disciplinary measures to the same extent as if he or  
36 she violated a rule or regulation of the commissioner for conduct of  
37 [~~inmates~~] incarcerated individuals within the premises of the institu-  
38 tion.

39 3. The provisions of this chapter relating to good behavior allowances  
40 shall apply to behavior of [~~inmates~~] incarcerated individuals while  
41 participating in work release programs outside the premises of insti-  
42 tutions, and such allowances may be granted, withheld, forfeited or  
43 cancelled in whole or in part for behavior outside the premises of an  
44 institution to the same extent and in the same manner as is provided for  
45 behavior of [~~inmates~~] incarcerated individuals within the premises of  
46 institutions.

47 4. An [~~inmate~~] incarcerated individual who is in violation of the  
48 provisions of his or her work release program may be taken into custody  
49 by any peace officer and, in such event, the [~~inmate~~] incarcerated indi-  
50 vidual shall be returned forthwith to the institution that released him  
51 or her. In any case where the institution is in a county other than the  
52 one in which the [~~inmate~~] incarcerated individual is apprehended, the  
53 officer may deliver the [~~inmate~~] incarcerated individual to the nearest  
54 institution, jail or lockup and it shall be the duty of the person in  
55 charge of said facility to hold such [~~inmate~~] incarcerated individual  
56 securely until such time as he or she is delivered into custody of an

1 officer of the institution from which he or she was released. Upon  
2 delivering the [~~inmate~~] incarcerated individual to an institution, jail  
3 or lockup, other than the one from which he or she was released, the  
4 peace officer who apprehended the [~~inmate~~] incarcerated individual shall  
5 forthwith notify the warden of the institution from which the [~~inmate~~]  
6 incarcerated individual was released and it shall be the duty of the  
7 warden to effect the expeditious return of the [~~inmate~~] incarcerated  
8 individual to the institution.

9 § 233. Section 858 of the correction law, as added by chapter 472 of  
10 the laws of 1969 and as renumbered by chapter 691 of the laws of 1977,  
11 is amended to read as follows:

12 § 858. Application of labor laws. The laws of the state and its poli-  
13 tical subdivisions with respect to employment conditions shall apply to  
14 [~~inmates~~] incarcerated individuals participating in work release  
15 programs.

16 § 234. Section 859 of the correction law, as added by chapter 472 of  
17 the laws of 1969 and as renumbered by chapter 691 of the laws of 1977,  
18 is amended to read as follows:

19 § 859. When employment prohibited. No employment under a work release  
20 program may be approved or continued if (a) such employment results in  
21 the displacement of employed workers, or is applied in skills, crafts or  
22 trades in which there is a surplus of available labor in the locality,  
23 or (b) the rates of pay and other conditions of employment are not at  
24 least equal to those paid or provided for work of similar nature in the  
25 locality in which the work is to be performed, or (c) there is any labor  
26 strike or lockout in the establishment in which the [~~inmate~~] incarcerat-  
27 ed individual is employed.

28 § 235. Section 860 of the correction law, as added by chapter 472 of  
29 the laws of 1969 and as renumbered by chapter 691 of the laws of 1977,  
30 subdivision 4 as added and subdivision 5 as renumbered by chapter 233 of  
31 the laws of 1985, is amended to read as follows:

32 § 860. Disposition of earnings. The earnings of an [~~inmate~~] incarcer-  
33 ated individual participating in a work release program, less any  
34 payroll deductions required or authorized by law, shall be turned over  
35 to the warden who shall deposit such receipts as [~~inmates'~~] incarcerated  
36 individuals' funds pursuant to section one hundred sixteen of this chap-  
37 ter. Such receipts shall not be subject to attachment or garnishment in  
38 the hands of the warden. The commissioner of correction may authorize  
39 the warden to make disbursements of such receipts, and such receipts may  
40 be disbursed, for any or all of the following purposes:

- 41 1. Appropriate and reasonable costs related to the [~~inmate's~~] incar-  
42 cerated individual's participation in the work release program;
- 43 2. Support of the [~~inmate's~~] incarcerated individual's dependents;
- 44 3. Payment of fines imposed by any court;
- 45 4. Payment of any court ordered restitution or reparation to the  
46 victim of the [~~inmate's~~] incarcerated individual's crime.
- 47 5. Purchases by the [~~inmate~~] incarcerated individual from the commis-  
48 sary of the institution.

49 The balance of such receipts, if any, after disbursements for the  
50 foregoing purposes shall be paid to the [~~inmate~~] incarcerated individual  
51 upon termination of his or her imprisonment.

52 § 236. Section 861 of the correction law, as added by chapter 472 of  
53 the laws of 1969 and as renumbered by chapter 691 of the laws of 1977,  
54 is amended to read as follows:

55 § 861. [~~Inmate~~] Incarcerated individual not agent of state. An  
56 [~~inmate~~] incarcerated individual participating in a work release program

1 shall not, merely by reason of such participation, be deemed an agent,  
2 employee or servant of the state while outside the premises of an insti-  
3 tution pursuant to the terms of a work release program.

4 § 237. Subdivisions 1 and 2 of section 865 of the correction law,  
5 subdivision 1 as amended by section 2 of part KK of chapter 55 of the  
6 laws of 2019 and subdivision 2 as amended by section 2 of part L of  
7 chapter 56 of the laws of 2009, are amended to read as follows:

8 1. "Eligible [~~inmate~~] incarcerated individual" means a person  
9 sentenced to an indeterminate term of imprisonment who will become  
10 eligible for release on parole within three years or sentenced to a  
11 determinate term of imprisonment who will become eligible for condi-  
12 tional release within three years, who has not reached the age of fifty  
13 years, who has not previously been convicted of a violent felony as  
14 defined in article seventy of the penal law, or a felony in any other  
15 jurisdiction which includes all of the essential elements of any such  
16 violent felony, upon which an indeterminate or determinate term of  
17 imprisonment was imposed and who was between the ages of sixteen and  
18 fifty years at the time of commission of the crime upon which his or her  
19 present sentence was based. Notwithstanding the foregoing, no person who  
20 is convicted of any of the following crimes shall be deemed eligible to  
21 participate in this program: (a) a violent felony offense as defined in  
22 article seventy of the penal law; provided, however, that a person who  
23 is convicted of burglary in the second degree as defined in subdivision  
24 two of section 140.25 of the penal law, or robbery in the second degree  
25 as defined in subdivision one of section 160.10 of the penal law, or an  
26 attempt thereof, is eligible to participate, (b) an A-I felony offense,  
27 (c) any homicide offense as defined in article one hundred twenty-five  
28 of the penal law, (d) any felony sex offense as defined in article one  
29 hundred thirty of the penal law and (e) any escape or absconding offense  
30 as defined in article two hundred five of the penal law.

31 2. "Shock incarceration program" means a program pursuant to which  
32 eligible [~~inmates~~] incarcerated individuals are selected to participate  
33 in the program and serve a period of six months in a shock incarceration  
34 facility, which shall provide rigorous physical activity, intensive  
35 regimentation and discipline and rehabilitation therapy and programming.  
36 Such [~~inmates~~] incarcerated individuals may be selected either: (i) at a  
37 reception center; or (ii) at a general confinement facility when the  
38 otherwise eligible [~~inmate~~] incarcerated individual then becomes eligi-  
39 ble for release on parole within three years in the case of an indeter-  
40 minate term of imprisonment, or then becomes eligible for conditional  
41 release within three years in the case of a determinate term of impri-  
42 sonment.

43 § 238. Subdivisions 1 and 2 of section 866 of the correction law,  
44 subdivision 1 as added by chapter 261 of the laws of 1987 and subdivi-  
45 sion 2 as amended by section 3 of part L of chapter 56 of the laws of  
46 2009, are amended to read as follows:

47 1. The commissioner, guided by consideration for the safety of the  
48 community and the welfare of the [~~inmate~~] incarcerated individual, shall  
49 promulgate rules and regulations for the shock incarceration program.  
50 Such rules and regulations shall reflect the purpose of the program and  
51 shall include, but not be limited to, selection criteria, [~~inmate~~]  
52 incarcerated individual discipline, programming and supervision, and  
53 program structure and administration.

54 2. The commissioner shall appoint or cause to be appointed a shock  
55 incarceration selection committee at one or more designated correctional  
56 facilities, which shall meet on a regularly scheduled basis to review



1 all eligible [~~inmates~~] incarcerated individuals transferred to such  
2 facility for screening and all applications for the shock incarceration  
3 program.

4 § 239. Section 867 of the correction law, as added by chapter 261 of  
5 the laws of 1987, subdivision 1 as amended by chapter 55 of the laws of  
6 1992, subdivision 2-a as added by section 2 of part AAA of chapter 56 of  
7 the laws of 2009 and subdivision 4 as amended by chapter 738 of the laws  
8 of 2004, is amended to read as follows:

9 § 867. Procedure for selection of participants in shock incarceration  
10 program. 1. An eligible [~~inmate~~] incarcerated individual may make an  
11 application to the shock incarceration screening committee for permis-  
12 sion to participate in the shock incarceration program.

13 2. If the shock incarceration screening committee determines that an  
14 [~~inmate's~~] incarcerated individual's participation in the shock incar-  
15 ceration program is consistent with the safety of the community, the  
16 welfare of the applicant and the rules and regulations of the depart-  
17 ment, the committee shall forward the application to the commissioner or  
18 his designee for approval or disapproval.

19 2-a. Subdivisions one and two of this section shall apply to a judi-  
20 cially sentenced shock incarceration [~~inmate~~] incarcerated individual  
21 only to the extent that the screening committee may determine whether  
22 the [~~inmate~~] incarcerated individual has a medical or mental health  
23 condition that will render the [~~inmate~~] incarcerated individual unable  
24 to successfully complete the shock incarceration program, and the facil-  
25 ity in which the [~~inmate~~] incarcerated individual will participate in  
26 such program. Notwithstanding subdivision five of this section, an  
27 [~~inmate~~] incarcerated individual sentenced to shock incarceration shall  
28 promptly commence participation in the program when such [~~inmate~~] incar-  
29 cerated individual is an eligible [~~inmate~~] incarcerated individual  
30 pursuant to subdivision one of section eight hundred sixty-five of this  
31 article.

32 3. Applicants cannot participate in the shock incarceration program  
33 unless they agree to be bound by all the terms and conditions thereof  
34 and indicate such agreement by signing the memorandum of the program  
35 immediately below a statement reading as follows:

36 "I accept the foregoing program and agree to be bound by the terms and  
37 conditions thereof. I understand that my participation in the program is  
38 a privilege that may be revoked at any time at the sole discretion of  
39 the commissioner. I understand that I must successfully complete the  
40 entire program to obtain a certificate of earned eligibility upon the  
41 completion of said program, and in the event that I do not successfully  
42 complete said program, for any reason, I will be transferred to a  
43 nonshock incarceration correctional facility to continue service of my  
44 sentence."

45 4. An [~~inmate~~] incarcerated individual who has successfully completed  
46 a shock incarceration program shall be eligible to receive such a  
47 certificate of earned eligibility pursuant to section eight hundred five  
48 of this chapter. Notwithstanding any other provision of law, an  
49 [~~inmate~~] incarcerated individual sentenced to a determinate sentence of  
50 imprisonment who has successfully completed a shock incarceration  
51 program shall be eligible to receive such a certificate of earned eligi-  
52 bility and shall be immediately eligible to be conditionally released.

53 5. Participation in the shock incarceration program shall be a privi-  
54 lege. Nothing contained in this article may be construed to confer upon  
55 any [~~inmate~~] incarcerated individual the right to participate or contin-  
56 ue to participate therein.

1 § 240. Paragraph (h) of subdivision 5 of section 220.10 of the crimi-  
2 nal procedure law, as added by chapter 92 of the laws of 1996, is  
3 amended to read as follows:

4 (h) Where the indictment charges the class E felony offense of aggra-  
5 vated harassment of an employee by an [~~inmate~~] incarcerated individual  
6 as defined in section 240.32 of the penal law, then a plea of guilty  
7 must include at least a plea of guilty to a class E felony.

8 § 241. The closing paragraph of subdivision 5 of section 420.10 of the  
9 criminal procedure law, as separately amended by chapters 233 and 506 of  
10 the laws of 1985, is amended to read as follows:

11 For the purposes of this subdivision, the court shall not determine  
12 that the defendant is unable to pay the fine, restitution or reparation  
13 ordered solely because of such defendant's incarceration but shall  
14 consider all the defendant's sources of income including, but not limit-  
15 ed to, moneys in the possession of an [~~inmate~~] incarcerated individual  
16 at the time of his or her admission into such facility, funds earned by  
17 him or her in a work release program as defined in subdivision four of  
18 section one hundred fifty of the correction law, funds earned by him or  
19 her as provided for in section one hundred eighty-seven of the  
20 correction law and any other funds received by him or her or on his or  
21 her behalf and deposited with the superintendent or the municipal offi-  
22 cial of the facility where the person is confined.

23 § 242. Subdivision 1 of section 440.50 of the criminal procedure law,  
24 as amended by chapter 193 of the laws of 2017, is amended to read as  
25 follows:

26 1. Upon the request of a victim of a crime, or in any event in all  
27 cases in which the final disposition includes a conviction of a violent  
28 felony offense as defined in section 70.02 of the penal law, a felony  
29 defined in article one hundred twenty-five of such law, or a felony  
30 defined in article one hundred thirty of such law, the district attorney  
31 shall, within sixty days of the final disposition of the case, inform  
32 the victim by letter of such final disposition. If such final disposi-  
33 tion results in the commitment of the defendant to the custody of the  
34 department of corrections and community supervision for an indeterminate  
35 sentence, the notice provided to the crime victim shall also inform the  
36 victim of his or her right to submit a written, audiotaped, or vide-  
37 otaped victim impact statement to the department of corrections and  
38 community supervision or to meet personally with a member of the state  
39 board of parole at a time and place separate from the personal interview  
40 between a member or members of the board and the [~~inmate~~] incarcerated  
41 individual and make such a statement, subject to procedures and limita-  
42 tions contained in rules of the board, both pursuant to subdivision two  
43 of section two hundred fifty-nine-i of the executive law. A copy of such  
44 letter shall be provided to the board of parole. The right of the victim  
45 under this subdivision to submit a written victim impact statement or to  
46 meet personally with a member of the state board of parole applies to  
47 each personal interview between a member or members of the board and the  
48 [~~inmate~~] incarcerated individual.

49 § 243. Article VIII and paragraph 5 of article IX of section 580.20 of  
50 the criminal procedure law are amended to read as follows:

#### 51 ARTICLE VIII

52 This agreement shall enter into full force and effect as to a party  
53 state when such state has enacted the same into law. A state party to  
54 this agreement may withdraw herefrom by enacting a statute repealing the  
55 same. However, the withdrawal of any state shall not affect the status  
56 of any proceedings already initiated by [~~inmates~~] incarcerated individ-

1 uals or by state officers at the time such withdrawal takes effect, nor  
2 shall it affect their rights in respect thereof.

3 5. It shall be lawful and mandatory upon the warden or other official  
4 in charge of a penal or correctional institution in this state to give  
5 over the person of any [~~inmate~~] incarcerated individual thereof whenever  
6 so required by the operation of the agreement on detainees.

7 § 244. Section 2222-a of the surrogate's court procedure act, as  
8 amended by section 167 of subpart B of part C of chapter 62 of the laws  
9 of 2011, is amended to read as follows:

10 § 2222-a. Notice of legacy or distributive share payable to [~~inmate~~]  
11 incarcerated individual or prisoner

12 Where the legatee, distributee or beneficiary is an [~~inmate~~] incarcer-  
13 ated individual serving a sentence of imprisonment with the state  
14 department of corrections and community supervision or a prisoner  
15 confined at a local correctional facility, the court shall give prompt  
16 written notice to the office of victim services, and at the same time  
17 direct that no payment be made to such [~~inmate~~] incarcerated individual  
18 or prisoner for a period of thirty days following the date of entry of  
19 the order containing such direction.

20 § 245. Section 85 of the New York city criminal court act is amended  
21 to read as follows:

22 § 85. Segregation of certain women. Whenever any woman is accused or  
23 convicted before the court of any crime arising out of an industrial  
24 dispute, such woman shall be segregated from the other [~~inmates~~] incar-  
25 cerated individuals thereof in any jail, prison or institution to which  
26 she may be committed.

27 § 246. Subdivision 9 of section 10 of the court of claims act, as  
28 amended by section 67 of subpart B of part C of chapter 62 of the laws  
29 of 2011, is amended to read as follows:

30 9. A claim of any [~~inmate~~] incarcerated individual in the custody of  
31 the department of corrections and community supervision for recovery of  
32 damages for injury to or loss of personal property may not be filed  
33 unless and until the [~~inmate~~] incarcerated individual has exhausted the  
34 personal property claims administrative remedy, established for  
35 [~~inmates~~] incarcerated individuals by the department. Such claim must be  
36 filed and served within one hundred twenty days after the date on which  
37 the [~~inmate~~] incarcerated individual has exhausted such remedy.

38 § 247. Subdivision 6-a of section 20 of the court of claims act, as  
39 amended by section 68 of subpart B of part C of chapter 62 of the laws  
40 of 2011, is amended to read as follows:

41 6-a. Notwithstanding the provisions of subdivisions five, five-a and  
42 six of this section, in any case where a judgment or any part thereof is  
43 to be paid to an [~~inmate~~] incarcerated individual serving a sentence of  
44 imprisonment with the state department of corrections and community  
45 supervision or to a prisoner confined at a local correctional facility,  
46 the comptroller shall give written notice, if required pursuant to  
47 subdivision two of section six hundred thirty-two-a of the executive  
48 law, to the office of victim services that such judgment shall be paid  
49 thirty days after the date of such notice.

50 § 248. Section 20-a of the court of claims act, as amended by section  
51 69 of subpart B of part C of chapter 62 of the laws of 2011, is amended  
52 to read as follows:

53 § 20-a. Settlement of claims. Notwithstanding any inconsistent  
54 provision of this act or of the state finance law, the comptroller shall  
55 examine, audit, and certify for payment the settlement of any claim  
56 filed in the court of claims for injuries to personal property, real

1 property, or for personal injuries caused by the tort of an officer or  
2 employee of the state while acting as such officer or employee, provided  
3 that a stipulation of settlement executed by the parties shall have been  
4 approved by order of the court. No such stipulation shall be executed on  
5 behalf of the state without, after consultation with the director of the  
6 budget, the approval of the head of the department or agency having  
7 supervision of the officer or employee alleged to have caused the inju-  
8 ries and of the attorney general. The attorney general shall cause a  
9 review to be made within the department of law of all cases filed in the  
10 court of claims to determine which cases are appropriate for possible  
11 settlement. Payment of any claim made pursuant to the approval of a  
12 settlement by the court shall be made from the funds appropriated for  
13 the purpose of payment of judgments against the state pursuant to  
14 section twenty of this act. In any case where payment is to be made to  
15 an [~~inmate~~] incarcerated individual serving a sentence of imprisonment  
16 with the state department of corrections and community supervision or to  
17 a prisoner confined at a local correctional facility, the procedures set  
18 forth in subdivision six-a of section twenty of this article shall be  
19 followed. On or before January fifteenth the comptroller, in consulta-  
20 tion with the department of law and other agencies as may be appropri-  
21 ate, shall submit to the governor and the legislature an annual account-  
22 ing of settlements paid pursuant to this section during the preceding  
23 and current fiscal years. Such accounting shall include, but not be  
24 limited to the number, type and amount of claims so paid, as well as an  
25 estimate of claims to be paid during the remainder of the current fiscal  
26 year and during the following fiscal year.

27 § 249. Subdivision (f) of section 1101 of the civil practice law and  
28 rules, as added by section 1 of part D of chapter 412 of the laws of  
29 1999, subparagraph (i) of paragraph 1 and paragraph 3 as amended by  
30 section 51 of subpart B of part C of chapter 62 of the laws of 2011, is  
31 amended to read as follows:

32 (f) Fees for [~~inmates~~] incarcerated individuals. 1. Notwithstanding  
33 any other provision of law to the contrary, a federal, state or local  
34 [~~inmate~~] incarcerated individual under sentence for conviction of a  
35 crime may seek to commence his or her action or proceeding by paying a  
36 reduced filing fee as provided in paragraph two of this subdivision.  
37 Such [~~inmate~~] incarcerated individual shall file the form affidavit  
38 referred to in subdivision (d) of this section along with the summons  
39 and complaint or summons with notice or third-party summons and  
40 complaint or petition or notice of petition or order to show cause. As  
41 part of such application, the [~~inmate~~] incarcerated individual shall  
42 indicate the name and mailing address of the facility at which he or she  
43 is confined along with the name and mailing address of any other feder-  
44 al, state or local facility at which he or she was confined during the  
45 preceding six month period. The case will be given an index number if  
46 applicable, or, in courts other than the supreme or county courts, any  
47 necessary filing number and the application will be submitted to a judge  
48 of the court. Upon receipt of the application, the court shall obtain  
49 from the appropriate official of the facility at which the [~~inmate~~]  
50 incarcerated individual is confined a certified copy of the [~~inmate's~~]  
51 incarcerated individual's trust fund account statement (or institutional  
52 equivalent) for the six month period preceding filing of the [~~inmate's~~]  
53 incarcerated individual's application. If the [~~inmate~~] incarcerated  
54 individual has been confined for less than six months at such facility,  
55 the court shall obtain additional information as follows:

1 (i) in the case of a state [~~inmate~~] incarcerated individual who has  
2 been transferred from another state correctional facility, the court  
3 shall obtain a trust fund account statement for the six month period  
4 from the central office of the department of corrections and community  
5 supervision in Albany; or

6 (ii) in the case of a state [~~inmate~~] incarcerated individual who is  
7 newly transferred from a federal or local correctional facility, the  
8 court shall obtain any trust fund account statement currently available  
9 from such facility. The court may, in its discretion, seek further  
10 information from the prior or current facility.

11 2. If the court determines that the [~~inmate~~] incarcerated individual  
12 has insufficient means to pay the full filing fee, the court may permit  
13 the [~~inmate~~] incarcerated individual to pay a reduced filing fee, the  
14 minimum of which shall not be less than fifteen dollars and the maximum  
15 of which shall not be more than fifty dollars. The court shall require  
16 an initial payment of such portion of the reduced filing fee as the  
17 [~~inmate~~] incarcerated individual can reasonably afford or shall author-  
18 ize no initial payment of the fee if exceptional circumstances render  
19 the [~~inmate~~] incarcerated individual unable to pay any fee; provided  
20 however, that the difference between the amount of the reduced filing  
21 fee and the amount paid by the [~~inmate~~] incarcerated individual in the  
22 initial partial payment shall be assessed against the [~~inmate~~] incarcer-  
23 ated individual as an outstanding obligation to be collected either by  
24 the superintendent or the municipal official of the facility at which  
25 the [~~inmate~~] incarcerated individual is confined, as the case may be, in  
26 the same manner that mandatory surcharges are collected as provided for  
27 in subdivision five of section 60.35 of the penal law. The court shall  
28 notify the superintendent or the municipal official of the facility  
29 where the [~~inmate~~] incarcerated individual is housed of the amount of  
30 the reduced filing fee that was not directed to be paid by the [~~inmate~~]  
31 incarcerated individual. Thereafter, the superintendent or the municip-  
32 al official shall forward to the court any fee obligations that have  
33 been collected, provided however, that:

34 (i) in no event shall the filing fee collected exceed the amount of  
35 fees required for the commencement of an action or proceeding; and

36 (ii) in no event shall an [~~inmate~~] incarcerated individual be prohib-  
37 ited from proceeding for the reason that the [~~inmate~~] incarcerated indi-  
38 vidual has no assets and no means by which to pay the initial partial  
39 filing fee.

40 3. The institution at which an [~~inmate~~] incarcerated individual is  
41 confined, or the central office for the department of corrections and  
42 community supervision, whichever is applicable, shall promptly provide  
43 the trust fund account statement to the [~~inmate~~] incarcerated individual  
44 as required by this subdivision.

45 4. Whenever any federal, state or local [~~inmate~~] incarcerated individ-  
46 ual obtains a judgment in connection with any action or proceeding which  
47 exceeds the amount of the filing fee, paid in accordance with the  
48 provisions of this subdivision for commencing such action or proceeding,  
49 the court shall award to the prevailing [~~inmate~~] incarcerated  
50 individual, as a taxable disbursement, the actual amount of any fee paid  
51 to commence the action or proceeding.

52 5. The provisions of this subdivision shall not apply to a proceeding  
53 commenced pursuant to article seventy-eight of this chapter which  
54 alleges a failure to correctly award or certify jail time credit due an  
55 [~~inmate~~] incarcerated individual, in violation of section six hundred-a  
56 of the correction law and section 70.30 of the penal law.

1 § 250. Section 5011 of the civil practice law and rules, as amended by  
2 section 52 of subpart B of part C of chapter 62 of the laws of 2011, is  
3 amended to read as follows:

4 § 5011. Definition and content of judgment. A judgment is the determi-  
5 nation of the rights of the parties in an action or special proceeding  
6 and may be either interlocutory or final. A judgment shall refer to, and  
7 state the result of, the verdict or decision, or recite the default upon  
8 which it is based. A judgment may direct that property be paid into  
9 court when the party would not have the benefit or use or control of  
10 such property or where special circumstances make it desirable that  
11 payment or delivery to the party entitled to it should be withheld. In  
12 any case where damages are awarded to an [~~inmate~~] incarcerated individ-  
13 ual serving a sentence of imprisonment with the state department of  
14 corrections and community supervision or to a prisoner confined at a  
15 local correctional facility, the court shall give prompt written notice  
16 to the office of victim services, and at the same time shall direct that  
17 no payment be made to such [~~inmate~~] incarcerated individual or prisoner  
18 for a period of thirty days following the date of entry of the order  
19 containing such direction.

20 § 251. Paragraph 5 of subdivision (b) of section 7002 of the civil  
21 practice law and rules, as amended by chapter 355 of the laws of 1986,  
22 is amended to read as follows:

23 5. in a city having a population of one million or more inhabitants, a  
24 person held as a trial [~~inmate~~] incarcerated individual in a city  
25 detention institution shall petition for a writ to the supreme court in  
26 the county in which the charge for which the [~~inmate~~] incarcerated indi-  
27 vidual is being detained is pending. Such [~~inmate~~] incarcerated individ-  
28 ual may also petition for a writ to the appellate division in the  
29 department in which he is detained or to any justice of the supreme  
30 court provided that the writ shall be made returnable before a justice  
31 of the supreme court held in the county in which the charge for which  
32 the [~~inmate~~] incarcerated individual is being detained is pending.

33 § 252. Subdivision 2 of section 61 of the civil rights law, as amended  
34 by section 54 of subpart B of part C of chapter 62 of the laws of 2011,  
35 is amended to read as follows:

36 2. If the petitioner stands convicted of a violent felony offense as  
37 defined in section 70.02 of the penal law or a felony defined in article  
38 one hundred twenty-five of such law or any of the following provisions  
39 of such law sections 130.25, 130.30, 130.40, 130.45, 255.25, 255.26,  
40 255.27, article two hundred sixty-three, 135.10, 135.25, 230.05, 230.06,  
41 subdivision two of section 230.30 or 230.32, and is currently confined  
42 as an [~~inmate~~] incarcerated individual in any correctional facility or  
43 currently under the supervision of the department of corrections and  
44 community supervision or a county probation department as a result of  
45 such conviction, the petition shall for each such conviction specify  
46 such felony conviction, the date of such conviction or convictions, and  
47 the court in which such conviction or convictions were entered.

48 § 253. Subdivision 2 of section 62 of the civil rights law, as amended  
49 by section 55 of subpart B of part C of chapter 62 of the laws of 2011,  
50 is amended to read as follows:

51 2. If the petition be to change the name of a person currently  
52 confined as an [~~inmate~~] incarcerated individual in any correctional  
53 facility or currently under the supervision of the department of  
54 corrections and community supervision or a county probation department  
55 as a result of a conviction for a violent felony offense as defined in  
56 section 70.02 of the penal law or a felony defined in article one

1 hundred twenty-five of such law or any of the following provisions of  
2 such law sections 130.25, 130.30, 130.40, 130.45, 255.25, 255.26,  
3 255.27, article two hundred sixty-three, 135.10, 135.25, 230.05, 230.06,  
4 subdivision two of section 230.30 or 230.32, notice of the time and  
5 place when and where the petition will be presented shall be served, in  
6 like manner as a notice of a motion upon an attorney in an action, upon  
7 the district attorney of every county in which such person has been  
8 convicted of such felony and upon the court or courts in which the  
9 sentence for such felony was entered. Unless a shorter period of time is  
10 ordered by the court, said notice shall be served upon each such  
11 district attorney and court or courts not less than sixty days prior to  
12 the date on which such petition is noticed to be heard.

13 § 254. Subdivisions 2 and 3 of section 79 of the civil rights law,  
14 subdivision 2 and paragraph (a) of subdivision 3 as amended by section  
15 56 of subpart B of part C of chapter 62 of the laws of 2011 and subdivi-  
16 sion 3 as amended by chapter 687 of the laws of 1973, are amended to  
17 read as follows:

18 2. A sentence of imprisonment in a state correctional institution for  
19 any term less than for life or a sentence of imprisonment in a state  
20 correctional institution for an indeterminate term, having a minimum of  
21 one day and a maximum of natural life shall not be deemed to suspend the  
22 right or capacity of any person so sentenced to commence and prosecute  
23 an action or proceeding in any court within this state or before a body  
24 or officer exercising judicial, quasi-judicial or administrative func-  
25 tions within this state; provided, however, that where at the time of  
26 the commencement and during the prosecution of such action or proceeding  
27 such person is an ~~[inmate]~~ incarcerated individual of a state correc-  
28 tional institution, he or she shall not appear at any place other than  
29 within the institution for any purpose related to such action or  
30 proceeding unless upon a subpoena issued by the court before whom such  
31 action or proceeding is pending or, where such action or proceeding is  
32 pending before a body or officer, before a judge to whom a petition for  
33 habeas corpus could be made under subdivision (b) of section seven thou-  
34 sand two of the civil practice law and rules upon motion of any party  
35 and upon a determination that such person's appearance is essential to  
36 the proper and just disposition of the action or proceeding. Unless the  
37 court orders otherwise, a motion for such subpoena shall be made on at  
38 least two days' notice to the commissioner of corrections and community  
39 supervision.

40 3. (a) Except as provided in paragraph (b) of this subdivision, the  
41 state shall not be liable for any expense of or related to any such  
42 action or proceeding, including but not limited to the expense of or  
43 related to transporting the ~~[inmate]~~ incarcerated individual to, or  
44 lodging or guarding him or her at any place other than in a state  
45 correctional institution. The department of corrections and community  
46 supervision shall not be required to perform any services related to  
47 such action or proceeding, including but not limited to transporting the  
48 ~~[inmate]~~ incarcerated individual to or lodging or guarding him at any  
49 place other than a state correctional institution unless and until the  
50 department has received payment for such services.

51 (b) Where the ~~[inmate]~~ incarcerated individual is permitted in accord-  
52 ance with any other law to proceed with the action or proceeding as a  
53 poor person the expense of transporting the ~~[inmate]~~ incarcerated indi-  
54 vidual to, or lodging or guarding him or her at any place other than in  
55 a state correctional institution or any other expense relating thereto  
56 shall be a state charge; provided, however, that where an ~~[inmate]~~

1 incarcerated individual has been granted such permission and a recovery  
2 by judgment or by settlement is had in his or her favor, the court may  
3 direct him or her to pay out of the recovery all or part of any sum  
4 expended by the state.

5 § 255. Subdivisions 2 and 3 of section 79-a of the civil rights law,  
6 subdivision 2 and paragraph (a) of subdivision 3 as amended by section  
7 57 of subpart B of part C of chapter 62 of the laws of 2011 and subdivi-  
8 sion 3 as added by chapter 687 of the laws of 1973, are amended to read  
9 as follows:

10 2. A sentence to imprisonment for life shall not be deemed to suspend  
11 the right or capacity of any person so sentenced to commence, prosecute  
12 or defend an action or proceeding in any court within this state or  
13 before a body or officer exercising judicial, quasi-judicial or adminis-  
14 trative functions within this state; provided, however, that where at  
15 the time of the commencement and during the prosecution or defense of  
16 such action or proceeding such person is an [~~inmate~~] incarcerated indi-  
17 vidual of a state correctional institution, he or she shall not appear  
18 at any place other than within the institution for any purpose related  
19 to such action or proceeding unless upon a subpoena issued by the court  
20 before whom such action or proceeding is pending or, where such action  
21 or proceeding is pending before a body or officer, before a judge to  
22 whom a petition for habeas corpus could be made under subdivision (b) of  
23 section seven thousand two of the civil practice law and rules upon  
24 motion of any party and upon a determination that such person's appear-  
25 ance is essential to the proper and just disposition of the action or  
26 proceeding. Unless the court orders otherwise, a motion for such subpoe-  
27 na shall be made on at least two days' notice to the commissioner of  
28 corrections and community supervision.

29 3. (a) Except as provided in paragraph (b) of this subdivision, the  
30 state shall not be liable for any expense of or related to any such  
31 action or proceeding, including but not limited to the expense of or  
32 related to transporting the [~~inmate~~] incarcerated individual to, or  
33 lodging or guarding him or her at any place other than in a state  
34 correctional institution. The department of corrections and community  
35 supervision shall not be required to perform any services related to  
36 such action or proceeding, including but not limited to transporting the  
37 [~~inmate~~] incarcerated individual to or lodging or guarding him or her at  
38 any place other than a state correctional institution unless and until  
39 the department has received payment for such services.

40 (b) Where the [~~inmate~~] incarcerated individual is permitted in accord-  
41 ance with any other law to proceed with the action or proceeding as a  
42 poor person the expense of transporting the [~~inmate~~] incarcerated indi-  
43 vidual to, or lodging or guarding him or her at any place other than in  
44 a state correctional institution or any other expense relating thereto  
45 shall be a state charge; provided, however, that where an [~~inmate~~]  
46 incarcerated individual has been granted such permission and a recovery  
47 by judgment or by settlement is had in his or her favor, the court may  
48 direct him or her to pay out of the recovery all or part of any sum  
49 expended by the state.

50 § 256. Intentionally omitted.

51 § 257. Intentionally omitted.

52 § 258. Intentionally omitted.

53 § 259. Intentionally omitted.

54 § 260. Subdivision 7 of section 40 of chapter 784 of the laws of 1951,  
55 constituting the New York state defense emergency act, is amended to  
56 read as follows:



1 7. Heads of departments in charge of institutions shall have such  
2 power with respect to health or safety of [~~inmates~~] incarcerated indi-  
3 viduals thereof, including transportation of [~~inmates~~] incarcerated  
4 individuals to, from and between such institutions.

5 § 261. Intentionally omitted.

6 § 262. Intentionally omitted.

7 § 263. The section heading of section 9-104 of the administrative code  
8 of the city of New York is amended to read as follows:

9 Transfer of [~~inmates~~] incarcerated individuals by commissioner of  
10 correction.

11 § 264. Intentionally omitted.

12 § 265. Section 9-109 of the administrative code of the city of New  
13 York is amended to read as follows:

14 § 9-109 Classification. The commissioner of correction shall so far as  
15 practicable classify all felons, misdemeanants and violators of local  
16 laws under the commissioner's charge, so that the youthful or less hard-  
17 ened offenders shall be segregated from the older or more hardened  
18 offenders. The commissioner of correction may set apart one or more of  
19 the penal institutions for the custody of such youthful or less hardened  
20 offenders, and he or she is empowered to transfer such offenders thereto  
21 from any penal institution of the city. The commissioner of correction  
22 is empowered to classify the transferred [~~inmates~~] incarcerated individ-  
23 uals, so far as practicable, with regard to age, nature of offense, or  
24 other fact, and to separate or group such offenders according to such  
25 classification.

26 § 266. Section 9-110 of the administrative code of the city of New  
27 York, as amended by local law number 170 of the city of New York for the  
28 year 2017, is amended to read as follows:

29 § 9-110 Education and programming.

30 The commissioner of correction may establish and maintain schools or  
31 classes for the instruction and training of the [~~inmates~~] incarcerated  
32 individuals of any institution under the commissioner's charge, and  
33 shall offer to all [~~inmates~~] incarcerated individuals incarcerated for  
34 more than 10 days a minimum of five hours per day of [~~inmate~~] incarcer-  
35 ated individuals programming or education, excluding weekends and holi-  
36 days. Such programming or education may be provided by the department  
37 or by another provider, and need not be offered to [~~inmates~~] incarcerat-  
38 ed individuals in punitive segregation, or to [~~inmates~~] incarcerated  
39 individuals who may be ineligible or unavailable for such programming or  
40 education, or where offering such programming or education would not be  
41 consistent with the safety of the [~~inmate~~] incarcerated individual,  
42 staff or facility. Nothing in this section shall prohibit the department  
43 from offering such programming or education on the basis of incentive-  
44 based criteria developed by the department. For the purposes of this  
45 section, the term "[~~inmate~~] incarcerated individual programming" has the  
46 same meaning as in section 9-144.

47 § 267. Subdivision a of section 9-111 of the administrative code of  
48 the city of New York is amended to read as follows:

49 a. The commissioner of correction is empowered to set aside in the  
50 city prison a sufficient space for the purposes of installing a library  
51 for the [~~inmates~~] incarcerated individuals. The commissioner of  
52 correction may do likewise in any other place in which persons are held  
53 for infractions of the law pending a determination by a court.

54 § 268. The section heading and the opening paragraph of subdivision a  
55 of section 9-114 of the administrative code of the city of New York are  
56 amended to read as follows:

1 Discipline of [~~inmates~~] incarcerated individuals.

2 Officers in any institution in the department of correction shall use  
3 all suitable means to defend themselves, to enforce discipline, and to  
4 secure the persons of [~~inmates~~] incarcerated individuals who shall:

5 § 269. The fourth undesignated paragraph of subdivision c of section  
6 9-116 of the administrative code of the city of New York, as amended by  
7 local law number 43 of the city of New York for the year 2006, is  
8 amended to read as follows:

9 None of the foregoing provisions of this section shall apply to or  
10 govern the rotation of tours of duty of custodial officers who may be  
11 detailed or assigned to an institution wherein no [~~inmates~~] incarcerated  
12 individuals are detained overnight.

13 § 270. Paragraph 3 of subdivision b of section 9-117 of the adminis-  
14 trative code of the city of New York, as added by chapter 629 of the  
15 laws of 2003, is amended to read as follows:

16 3. Nothing in this subdivision shall limit in any way persons who are  
17 or will be employed by or under contract with the department of  
18 correction from maintaining incidental supervision and custody of an  
19 [~~inmate~~] incarcerated individual, where the primary duties and responsi-  
20 bilities of such persons and contractors consist of administering or  
21 providing programs and services to persons detained or confined in any  
22 of its facilities; nor shall anything in this subdivision be construed  
23 to limit or affect the existing authority of the mayor and commissioner  
24 to appoint non-uniformed persons, whose duties include overall security  
25 of the department of correction, to positions of authority.

26 § 271. Subdivisions a and c of section 9-118 of the administrative  
27 code of the city of New York are amended to read as follows:

28 a. The commissioner of correction may establish a commissary in any  
29 institution under the commissioner's jurisdiction for the use and bene-  
30 fit of the [~~inmates~~] incarcerated individuals and employees thereof. All  
31 moneys received from the sales of such commissaries shall be paid over  
32 semi-monthly to the commissioner of finance without deduction. Except as  
33 otherwise provided in this subdivision, the provisions of section 12-114  
34 of the code shall apply to every officer or employee who receives such  
35 moneys in the performance of his or her duties in any such commissary.  
36 The accounts of the commissaries shall be subject to supervision, exam-  
37 ination and audit by the comptroller and all other powers of the comp-  
38 troller in accordance with the provisions of the charter and code.

39 c. Any surplus remaining in the commissary fund after deducting all  
40 items described in subdivision b hereof shall be used for the general  
41 welfare of the [~~inmates~~] incarcerated individuals of the institutions  
42 under the jurisdiction of the department of correction. In the event  
43 such fund at any time exceeds one hundred thousand dollars, the excess  
44 shall be transferred to the general fund.

45 § 272. The section heading of section 9-121 of the administrative code  
46 of the city of New York is amended to read as follows:

47 Records of [~~inmates~~] incarcerated individuals of institutions.

48 § 273. Section 9-122 of the administrative code of the city of New  
49 York is amended to read as follows:

50 § 9-122 Labor of prisoners in other agencies; correction officers. A  
51 correction officer or correction officers from the department of  
52 correction shall at all times direct and guard all [~~inmates~~] incarcerat-  
53 ed individuals of any of the institutions in the department of  
54 correction who are performing work for any other agency.

1 § 274. Subdivision b of section 9-127 of the administrative code of  
2 the city of New York, as added by local law number 54 of the city of New  
3 York for the year 2004, is amended to read as follows:

4 b. The department of correction shall collect, from any sentenced  
5 [~~inmate~~] incarcerated individual who will serve, after sentencing, ten  
6 days or more in any city correctional institution, information relating  
7 to such [~~inmate's~~] incarcerated individual's housing, employment and  
8 sobriety needs. The department of correction shall, with the consent of  
9 such [~~inmate~~] incarcerated individual, provide such information to any  
10 social service organization that is providing discharge planning  
11 services to such [~~inmate~~] incarcerated individual under contract with  
12 the department of correction. For the purposes of this section and  
13 sections 9-128 and 9-129 of this title, "discharge planning" shall mean  
14 the creation of a plan for post-release services and assistance with  
15 access to community-based resources and government benefits designed to  
16 promote an [~~inmate's~~] incarcerated individual's successful reintegration  
17 into the community.

18 § 275. Section 9-127.1 of the administrative code of the city of New  
19 York, as added by local law number 167 of the city of New York for the  
20 year 2017, is amended to read as follows:

21 § 9-127.1[~~r~~] Discharge planning. a. As used in this section, the  
22 following terms have the following meanings:

23 Discharge plan. The term "discharge plan" means a plan describing the  
24 manner in which an eligible [~~inmate~~] incarcerated individual will be  
25 able to receive re-entry services upon release from the custody of the  
26 department to the community. A discharge plan shall, to the extent prac-  
27 ticable, be designed to address the unique needs of each eligible  
28 [~~inmate~~] incarcerated individual, including but not limited to the  
29 [~~inmate's~~] incarcerated individual's geographic location upon release  
30 from the custody of the department, specific social service needs if  
31 applicable, prior criminal history, and employment needs.

32 Eligible [~~inmate~~] incarcerated individual. The term "eligible  
33 [~~inmate~~] incarcerated individual" means a person who served a sentence  
34 of 30 days or more in the custody of the department, and who is being  
35 released from the custody of the department to the community.

36 Re-entry services. The term "re-entry services" means appropriate  
37 programming and support planning offered to an [~~inmate~~] incarcerated  
38 individual upon release from the custody of the department to the commu-  
39 nity, as well as follow-up support offered to the [~~inmate~~] incarcerated  
40 individual after his or her release. Such programming, support planning,  
41 and follow-up support shall include case management and connections to  
42 employment, and other social services that may be available to such  
43 [~~inmate~~] incarcerated individual upon his or her release.

44 b. Prior to the release of an eligible [~~inmate~~] incarcerated individ-  
45 ual from the custody of the department, a designee of the department  
46 shall to the extent practicable develop and offer to such [~~inmate~~]  
47 incarcerated individual a discharge plan. Discharge plans developed  
48 pursuant to this section shall not be required when, upon release from  
49 the custody of the department, an [~~inmate~~] incarcerated individual is  
50 transferred to the custody of another government agency or to the custo-  
51 dy of a hospital or healthcare provider, or where a discharge plan is  
52 otherwise required by law.

53 § 276. Subdivisions a and b of section 9-128 of the administrative  
54 code of the city of New York, as added by local law number 54 of the  
55 city of New York for the year 2004, are amended to read as follows:

1 a. The department of correction shall make applications for government  
2 benefits available to [~~inmates~~] incarcerated individuals by providing  
3 such applications in areas accessible to [~~inmates~~] incarcerated individ-  
4 uals in city correctional institutions.

5 b. The department of correction shall provide assistance with the  
6 preparation of applications for government benefits and identification  
7 to sentenced [~~inmates~~] incarcerated individuals who will serve, after  
8 sentencing, thirty days or more in any city correctional institution and  
9 who receive discharge planning services from the department of  
10 correction or any social services organization under contract with the  
11 department of correction, and, in its discretion, to any other [~~inmate~~]  
12 incarcerated individual who may benefit from such assistance.

13 § 277. Section 9-129 of the administrative code of the city of New  
14 York, as added by local law number 54 of the city of New York for the  
15 year 2004, is amended to read as follows:

16 § 9-129 Reporting. The commissioner of correction shall submit a  
17 report to the mayor and the council by October first of each year  
18 regarding implementation of sections 9-127 and 9-128 of this title and  
19 other discharge planning efforts, and, beginning October first, two  
20 thousand eight and annually thereafter, regarding recidivism among  
21 [~~inmates~~] incarcerated individuals receiving discharge planning services  
22 from the department of correction or any social services organization  
23 under contract with the department of correction.

24 § 278. Section 9-130 of the administrative code of the city of New  
25 York, as added by local law number 33 of the city of New York for the  
26 year 2016, paragraph 23 as amended and paragraph 24 of subdivision c as  
27 added by local law number 145 for the year of 2018, is amended to read  
28 as follows:

29 § 9-130 Jail data reporting.

30 a. Definitions. For purposes of this section, the following terms have  
31 the following meanings:

32 Adolescent. The term "adolescent" means an [~~inmate~~] incarcerated indi-  
33 vidual 16 or 17 years of age.

34 Adult. The term "adult" means an [~~inmate~~] incarcerated individual 22  
35 years of age or older.

36 Assault. The term "assault" means any action taken with intent to  
37 cause physical injury to another person.

38 Department. The term "department" means the New York city department  
39 of correction.

40 Hospital. The term "hospital" includes any hospital setting, whether a  
41 hospital outside of the department's jurisdiction or a correction unit  
42 operated by the department within a hospital.

43 Serious injury. The term "serious injury" means a physical injury that  
44 (i) creates a substantial risk of death or disfigurement; (ii) is a loss  
45 or impairment of a bodily organ; (iii) is a fracture or break to a bone  
46 other than fingers and toes; or (iv) is an injury defined as serious by  
47 a physician.

48 Sexual abuse. The term "sexual abuse" has the same meaning as set  
49 forth in section 115.6 of title 28 of the code of federal regulations,  
50 or successor regulation, promulgated pursuant to the federal prison rape  
51 elimination act of 2003.

52 Staff. The term "staff" means anyone other than an [~~inmate~~] incarcer-  
53 ated individual who works at a facility operated by the department.

54 Young adult. The term "young adult" means an [~~inmate~~] incarcerated  
55 individual 18 to 21 years of age.

1 Use of force A. The term "use of force A" means a use of force by  
2 staff on an [~~inmate~~] incarcerated individual resulting in an injury that  
3 requires medical treatment beyond the prescription of over-the-counter  
4 analgesics or the administration of minor first aid, including those  
5 uses of force resulting in one or more of the following: (i) multiple  
6 abrasions and/or contusions; (ii) chipped or cracked tooth; (iii) loss  
7 of tooth; (iv) laceration; (v) puncture; (vi) fracture; (vii) loss of  
8 consciousness, including a concussion; (viii) suture; (ix) internal  
9 injuries, including but not limited to ruptured spleen or perforated  
10 eardrum; or (x) admission to a hospital.

11 Use of force B. The term "use of force B" means a use of force by  
12 staff on an [~~inmate~~] incarcerated individual which does not require  
13 hospitalization or medical treatment beyond the prescription of over-  
14 the-counter analgesics or the administration of minor first aid, includ-  
15 ing the following: (i) a use of force resulting in a superficial bruise,  
16 scrape, scratch, or minor swelling; and (ii) the forcible use of mechan-  
17 ical restraints in a confrontational situation that results in no or  
18 minor injury.

19 Use of force C. The term "use of force C" means a use of force by  
20 staff on an [~~inmate~~] incarcerated individual resulting in no injury to  
21 staff or [~~inmate~~] incarcerated individual, including an incident where  
22 the use of oleoresin capsicum spray results in no injury, beyond irri-  
23 tation that can be addressed through decontamination.

24 b. No later than 20 days after the end of each month, the department  
25 shall post on its website a report containing the following information  
26 for the prior month, in total and by indicating the rate per 100  
27 [~~inmates~~] incarcerated individuals in the custody of the department  
28 during such prior month:

- 29 1. fight infractions written against [~~inmates~~] incarcerated individ-  
30 uals;
- 31 2. assaults on [~~inmates~~] incarcerated individuals by [~~inmates~~] incar-  
32 cerated individuals involving stabbings, shootings or slashings;
- 33 3. assaults on [~~inmates~~] incarcerated individuals by [~~inmates~~] incar-  
34 cerated individuals in which an [~~inmate~~] incarcerated individual  
35 suffered a serious injury, excluding assaults involving stabbings,  
36 shootings or slashings;
- 37 4. actual incidents of use of force A;
- 38 5. actual incidents of use of force B;
- 39 6. actual incidents of use of force C;
- 40 7. assaults on staff by [~~inmates~~] incarcerated individuals in which  
41 staff suffered serious injury.

42 c. No later than 45 days after the end of each quarter ending March  
43 31, June 30, September 30 and December 31, the department shall post on  
44 its website a report containing the following information for the prior  
45 quarter, in total and by indicating the rate per 100 [~~inmates~~] incarcer-  
46 ated individuals in the custody of the department during such prior  
47 quarter. Such report shall also disaggregate the following information  
48 by listing adults, young adults, and adolescent [~~inmates~~] incarcerated  
49 individuals separately:

- 50 1. fight infractions written against [~~inmates~~] incarcerated individ-  
51 uals;
- 52 2. assaults on [~~inmates~~] incarcerated individuals by [~~inmates~~] incar-  
53 cerated individuals in which an [~~inmate~~] incarcerated individual  
54 suffered a serious injury, excluding assaults involving stabbings,  
55 shootings or slashings;

- 1 3. assaults on [~~inmates~~] incarcerated individuals by [~~inmates~~] incar-
- 2 cerated individuals involving stabbings;
- 3 4. assaults on [~~inmates~~] incarcerated individuals by [~~inmates~~] incar-
- 4 cerated individuals involving shootings;
- 5 5. assaults on [~~inmates~~] incarcerated individuals by [~~inmates~~] incar-
- 6 cerated individuals involving slashings;
- 7 6. total number of assaults on [~~inmates~~] incarcerated individuals by
- 8 [~~inmates~~] incarcerated individuals involving stabbings, shootings or
- 9 slashings;
- 10 7. total number of assaults on [~~inmates~~] incarcerated individuals by
- 11 [~~inmates~~] incarcerated individuals involving stabbings, shootings or
- 12 slashings in which an [~~inmate~~] incarcerated individual suffered a seri-
- 13 ous injury;
- 14 8. assaults on [~~inmates~~] incarcerated individuals by [~~inmates~~] incar-
- 15 cerated individuals in which an [~~inmate~~] incarcerated individual was
- 16 admitted to a hospital as a result;
- 17 9. homicides of [~~inmates~~] incarcerated individuals by [~~inmates~~] incar-
- 18 cerated individuals;
- 19 10. attempted suicides by [~~inmates~~] incarcerated individuals;
- 20 11. suicides by [~~inmates~~] incarcerated individuals;
- 21 12. assaults on staff by [~~inmates~~] incarcerated individuals;
- 22 13. assaults on staff by [~~inmates~~] incarcerated individuals in which
- 23 staff suffered serious injury;
- 24 14. assaults on staff by [~~inmates~~] incarcerated individuals in which
- 25 the staff was transported to a hospital as a result;
- 26 15. incidents in which an [~~inmate~~] incarcerated individual splashed
- 27 staff;
- 28 16. allegations of use of force A;
- 29 17. actual incidents of use of force A;
- 30 18. [~~inmate~~] incarcerated individual hospitalization as a result of
- 31 use of force A;
- 32 19. allegations of use of force B;
- 33 20. actual incidents of use of force B;
- 34 21. allegations of use of force C;
- 35 22. actual incidents of use of force C;
- 36 23. incidents of use of force C in which chemical agents were used;
- 37 24. incidents of use of force in which staff uses any device capable
- 38 of administering an electric shock.
- 39 d. Beginning July 1, 2016 and every July first thereafter, the depart-
- 40 ment shall post on its website a report for the prior calendar year
- 41 containing information pertaining to (1) allegations of sexual abuse of
- 42 an [~~inmate~~] incarcerated individual by an [~~inmate~~] incarcerated individ-
- 43 ual; (2) substantiated incidents of sexual abuse of an [~~inmate~~] incar-
- 44 cerated individual by an [~~inmate~~] incarcerated individual; (3) allega-
- 45 tions of sexual abuse of an [~~inmate~~] incarcerated individual by staff;
- 46 and (4) substantiated incidents of sexual abuse of an [~~inmate~~] incarcer-
- 47 ated individual by staff.
- 48 e. The information in subdivisions b, c and d of this section shall be
- 49 compared to previous reporting periods, and shall be permanently stored
- 50 on the department's website.
- 51 § 279. Section 9-134 of the administrative code of the city of New
- 52 York, as amended by local law number 90 of the city of New York for the
- 53 year 2015, is amended to read as follows:
- 54 § 9-134 Jail segregated housing statistics. a. Definitions. For the
- 55 purposes of this section, the following terms have the following mean-
- 56 ings:

1 Department. The term "department" means the New York city department  
2 of correction.

3 [~~inmate~~] Incarcerated individual recreation day. The term "[~~inmate~~]  
4 incarcerated individual recreation day" means one day per each individ-  
5 ual for every day in punitive segregation during each quarter.

6 [~~inmate~~] Incarcerated individual shower day. The term "[~~inmate~~] incar-  
7 cerated individual shower day" means one day per each individual for  
8 every day in punitive segregation during each quarter.

9 Mental health unit ("MHU"). The term "mental health unit" ("MHU")  
10 means any separate housing area staffed by mental health clinicians  
11 where [~~inmates~~] incarcerated individuals with mental illness who have  
12 been found guilty of violating department rules are housed, including  
13 but not limited to restricted housing units and clinical alternative to  
14 punitive segregation units.

15 Segregated housing unit. The term "segregated housing unit" means any  
16 city jail housing units in which [~~inmates~~] incarcerated individuals are  
17 regularly restricted to their cells more than the maximum number of  
18 hours as set forth in subdivision (b) of section 1-05 of chapter 1 of  
19 title 40 of the rules of the city of New York, or any successor rule  
20 establishing such maximum number of hours for the general population of  
21 [~~inmates~~] incarcerated individuals in city jails. Segregated housing  
22 units do not include mental health units. Segregated housing units  
23 include, but are not limited to, punitive segregation housing and  
24 enhanced supervision housing.

25 Serious injury. The term "serious injury" means a physical injury that  
26 includes: (i) a substantial risk of death or disfigurement; (ii) loss or  
27 impairment of a bodily organ; (iii) a fracture or break to a bone,  
28 excluding fingers and toes; (iv) an injury defined as serious by a  
29 physician; and (v) any additional serious injury as defined by the  
30 department.

31 Staff. The term "staff" means anyone, other than an [~~inmate~~] incar-  
32 ated individual, working at a facility operated by the department.

33 Use of force. The term "use of force" means an instance where staff  
34 used their hands or other parts of their body, objects, instruments,  
35 chemical agents, electric devices, firearm, or any other physical method  
36 to restrain, subdue, or compel an [~~inmate~~] incarcerated individual to  
37 act in a particular way, or stop acting in a particular way. This term  
38 shall not include moving, escorting, transporting, or applying  
39 restraints to a compliant [~~inmate~~] incarcerated individual.

40 Use of force A. The term "use of force A" means a use of force result-  
41 ing in an injury that requires medical treatment beyond the prescription  
42 of over-the-counter analgesics or the administration of minor first aid,  
43 including, but not limited to: (i) multiple abrasions and/or contusions;  
44 (ii) chipped or cracked tooth; (iii) loss of tooth; (iv) laceration; (v)  
45 puncture; (vi) fracture; (vii) loss of consciousness, including a  
46 concussion; (viii) suture; (ix) internal injuries, including but not  
47 limited to ruptured spleen or perforated eardrum; or (x) admission to a  
48 hospital.

49 Use of force B. The term "use of force B" means a use of force result-  
50 ing in an injury that does not require hospitalization or medical treat-  
51 ment beyond the prescription of over-the-counter analgesics or the  
52 administration of minor first aid.

53 Use of force C. The term "use of force C" means a use of force result-  
54 ing in no injury to staff or [~~inmates~~] incarcerated individuals.

55 b. For the quarter beginning October first, two thousand fourteen,  
56 commencing on or before January twentieth, two thousand fifteen, and on

1 or before the twentieth day of each quarter thereafter, the commissioner  
2 of correction shall post a report on the department website containing  
3 information relating to the use of segregated housing units and MHU in  
4 city jails for the previous quarter. Such quarterly report shall include  
5 separate indicators, disaggregated by facility and housing category for  
6 the total number of [~~inmates~~] incarcerated individuals housed in segre-  
7 gated housing units and MHU. Such quarterly report shall also include  
8 the following information regarding the segregated housing unit and MHU  
9 population: (i) the number of [~~inmates~~] incarcerated individuals in each  
10 security risk group as defined by the department's classification system  
11 directive, (ii) the number of [~~inmates~~] incarcerated individuals subject  
12 to enhanced restraints, including but not limited to, shackles, waist  
13 chains and hand mittens, (iii) the number of [~~inmates~~] incarcerated  
14 individuals sent to segregated housing units and MHU during the period,  
15 (iv) the number of [~~inmates~~] incarcerated individuals sent to segregated  
16 housing units and MHU from mental observation housing areas, (v) the  
17 number of [~~inmates~~] incarcerated individuals, by highest infraction  
18 offense grade as classified by the department, (grade one, two, or  
19 three), (vi) the number of [~~inmates~~] incarcerated individuals serving  
20 punitive segregation in the following specified ranges: less than ten  
21 days, ten to thirty days, thirty-one to ninety days, ninety-one to one  
22 hundred eighty days, one hundred eighty-one to three hundred sixty-five  
23 days, and more than three hundred sixty-five days, (vii) the number of  
24 [~~inmates~~] incarcerated individuals receiving mental health services,  
25 (viii) the number of [~~inmates~~] incarcerated individuals twenty-one years  
26 of age and under, (ix) the number of [~~inmates~~] incarcerated individuals  
27 over twenty-one years of age in ten-year intervals, (x) the race and  
28 gender of [~~inmates~~] incarcerated individuals, (xi) the number of  
29 [~~inmates~~] incarcerated individuals who received infractions while in  
30 segregated housing units or MHU, (xii) the number of [~~inmates~~] incarcer-  
31 ated individuals who received infractions that led to the imposition of  
32 additional punitive segregation time, (xiii) the number of [~~inmates~~]  
33 incarcerated individuals who committed suicide, (xiv) the number of  
34 [~~inmates~~] incarcerated individuals who attempted suicide, (xv) the  
35 number of [~~inmates~~] incarcerated individuals on suicide watch, (xvi) the  
36 number of [~~inmates~~] incarcerated individuals who caused injury to them-  
37 selves (excluding suicide attempt), (xvii) the number of [~~inmates~~]  
38 incarcerated individuals seriously injured while in segregated housing  
39 units or MHU, (xviii) the number of [~~inmates~~] incarcerated individuals  
40 who were sent to non-psychiatric hospitals outside the city jails, (xix)  
41 the number of [~~inmates~~] incarcerated individuals who died (non-suicide),  
42 (xx) the number of [~~inmates~~] incarcerated individuals transferred to a  
43 psychiatric hospital from segregated housing units, (xxi) the number of  
44 [~~inmates~~] incarcerated individuals transferred to a psychiatric hospital  
45 from MHU, disaggregated by program, (xxii) the number of [~~inmates~~]  
46 incarcerated individuals moved from general punitive segregation to MHU,  
47 disaggregated by program, (xxiii) the number of [~~inmates~~] incarcerated  
48 individuals placed into MHU following a disciplinary hearing, disaggre-  
49 gated by program, (xxiv) the number of [~~inmates~~] incarcerated individ-  
50 uals moved from MHU to a segregated housing unit, disaggregated by  
51 segregated housing unit type, (xxv) the number of [~~inmates~~] incarcerated  
52 individuals prescribed anti-psychotic medications, mood stabilizers or  
53 anti-anxiety medications, disaggregated by the type of medication,  
54 (xxvi) the number of requests made by [~~inmates~~] incarcerated individuals  
55 for medical or mental health treatment and the number granted, (xxvii)  
56 the number of requests made by [~~inmates~~] incarcerated individuals to



1 attend congregate religious services and the number granted, (xxviii)  
2 the number of requests made by [~~inmates~~] incarcerated individuals for  
3 assistance from the law library and the number granted, (xxix) the  
4 number of requests made by [~~inmates~~] incarcerated individuals to make  
5 telephone calls and the number granted, disaggregated by weekly personal  
6 calls and other permissible daily calls, (xxx) the number of [~~inmate~~]  
7 incarcerated individual recreation days and the number of recreation  
8 hours attended, (xxxii) the number of individual recreation hours that  
9 were offered to [~~inmates~~] incarcerated individuals prior to six a.m.,  
10 (xxxiii) the number of [~~inmate~~] incarcerated individual shower days and  
11 the number of showers taken, (xxxiiii) the number of [~~inmates~~] incarcer-  
12 ated individuals who received visits, (xxxv) the number of instances of  
13 allegations of use of force, (xxxvi) the number of instances of use of  
14 force A, (xxxvii) the number of instances of use of force B, (xxxviii) the  
15 number of instances of use of force C, (xxxix) the number of instances  
16 in which contraband was found, (xl) the number of instances of alle-  
17 gations of staff on [~~inmate~~] incarcerated individual sexual assault,  
18 (xli) the number of instances of substantiated staff on [~~inmate~~] incar-  
19 cerated individual sexual assault, (xlii) the number of instances of  
20 allegations of [~~inmate~~] incarcerated individual on staff sexual assault,  
21 and (xliii) the number of instances of substantiated [~~inmate~~] incarcerat-  
22 ed individual on staff sexual assault.

23 § 280. Intentionally omitted.

24 § 281. Intentionally omitted.

25 4. The number of [~~inmates~~] incarcerated individuals that submitted  
26 grievances.

27 § 282. Section 9-137 of the administrative code of the city of New  
28 York, as added by local law number 88 of the city of New York for the  
29 year 2015, is amended to read as follows:

30 § 9-137 Jail population statistics.

31 a. Within 45 days of the end of each quarter of the fiscal year, the  
32 department shall post a report on its website containing information  
33 related to the [~~inmate~~] incarcerated individual population in city jails  
34 for the preceding quarter. Such quarterly report shall include the  
35 following information based on the number of [~~inmate~~] incarcerated indi-  
36 vidual admissions during the reporting period, and based on the average  
37 daily population of the city's jails for the preceding quarter in total,  
38 and as a percentage of the average daily population of [~~inmates~~] incar-  
39 cerated individuals in the department's custody during the reporting  
40 period:

41 1. Age, in years, disaggregated as follows: 16-17, 18-21, 22-25,  
42 26-29, 30-39, 40-49, 50-59, 60-69, 70 or older.

43 2. Gender, including a separate category for those [~~inmates~~] incarcer-  
44 ated individuals housed in any transgender housing unit.

45 3. Race of [~~inmates~~] incarcerated individuals, categorized as follows:  
46 African-American, Hispanic, Asian, white, or any other race.

47 4. The borough in which the [~~inmate~~] incarcerated individual was  
48 arrested.

49 5. Educational background as self-reported by [~~inmates~~] incarcerated  
50 individuals after admission to the custody of the department, categor-  
51 ized as follows based on the highest level of education achieved: no  
52 high school diploma or general education diploma, a general education  
53 diploma, a high school diploma, some college but no degree, an associ-  
54 ate's degree, a bachelor's degree, or a post-collegiate degree.

1 6. The number of [~~inmates~~] incarcerated individuals identified by the  
2 department as a member of a security risk group, as defined by the  
3 department.

4 § 283. Section 9-138 of the administrative code of the city of New  
5 York, as added by local law number 89 of the city of New York for the  
6 year 2015, is amended to read as follows:

7 § 9-138 Use of force directive. The commissioner shall post on the  
8 department's website the directive stating the department's current  
9 policies regarding the use of force by departmental staff on [~~inmates~~]  
10 incarcerated individuals, including but not limited to the circumstances  
11 in which any use of force is justified, the circumstances in which vari-  
12 ous levels of force or various uses of equipment are justified, and the  
13 procedures staff must follow prior to using force. The commissioner may  
14 redact such directive as necessary to preserve safety and security in  
15 the facilities under the department's control.

16 § 284. Intentionally omitted.

17 § 285. Subdivision b of section 9-140 of the administrative code of  
18 the city of New York, as added by local law number 85 of the city of New  
19 York for the year 2015, is amended to read as follows:

20 b. The commissioner shall post on the department website on a quarter-  
21 ly basis, within 30 days of the beginning of each quarter, a report  
22 containing information pertaining to the visitation of the [~~inmate~~]  
23 incarcerated individual population in city jails for the prior quarter.  
24 Such quarterly report shall include the following information in total  
25 and disaggregated by whether the visitor is a professional, and also  
26 disaggregated by the type of services the professional provides:

27 1. The total number of visitors to city jails, the total number of  
28 visitors to borough jail facilities, and the total number of visitors to  
29 city jails on Rikers Island.

30 2. The total number of visitors that visited an [~~inmate~~] incarcerated  
31 individual at city jails, the total number of visitors that visited an  
32 [~~inmate~~] incarcerated individual at borough jail facilities, and the  
33 total number of visitors that visited an [~~inmate~~] incarcerated individ-  
34 ual at city jails on Rikers Island.

35 3. The number of visitors unable to visit an [~~inmate~~] incarcerated  
36 individual at any city jail, in total and disaggregated by the reason  
37 such visit was not completed.

38 4. The [~~inmate~~] incarcerated individual visitation rate, which shall  
39 be calculated by dividing the average daily number of visitors who  
40 visited [~~inmates~~] incarcerated individuals at city jails during the  
41 reporting period by the average daily [~~inmate~~] incarcerated individual  
42 population of city jails during the reporting period.

43 5. The borough jail facility visitation rate, which shall be calcu-  
44 lated by dividing the average daily number of visitors who visited  
45 [~~inmates~~] incarcerated individuals at borough jail facilities during the  
46 reporting period by the average daily [~~inmate~~] incarcerated individual  
47 population of borough jail facilities during the reporting period.

48 6. The Rikers Island visitation rate, which shall be calculated by  
49 dividing the average daily number of visitors who visited [~~inmates~~]  
50 incarcerated individuals at city jails on Rikers Island during the  
51 reporting period by the average daily [~~inmate~~] incarcerated individual  
52 population of city jails on Rikers Island during the reporting period.

53 § 286. Section 9-141 of the administrative code of the city of New  
54 York, as added by local law number 82 of the city of New York for the  
55 year 2016, is amended to read as follows:

1 § 9-141 Feminine hygiene products. All female [~~inmates~~] incarcerated  
2 individuals in the custody of the department shall be provided, at the  
3 department's expense, with feminine hygiene products as soon as practi-  
4 cable upon request. All female individuals arrested and detained in the  
5 custody of the department for at least 48 hours shall be provided, at  
6 the department's expense, with feminine hygiene products as soon as  
7 practicable upon request. For purposes of this section, "feminine  
8 hygiene products" means tampons and sanitary napkins for use in  
9 connection with the menstrual cycle.

10 § 287. Subdivisions a and c and paragraphs 6 and 7 of subdivision d of  
11 section 9-142 of the administrative code of the city of New York, as  
12 added by local law number 120 of the city of New York for the year 2016,  
13 are amended to read as follows:

14 a. Definitions. For the purposes of this section, the following terms  
15 shall have the following meanings:

16 Child. The term "child" means any person one year of age or younger  
17 whose mother is in the custody of the department.

18 Nursery. The term "nursery" means any department facility designed to  
19 accommodate newborn children of incarcerated mothers, pursuant to New  
20 York state correctional law section 611 or any successor statute.

21 Staff. The term "staff" means anyone, other than an [~~inmate~~] incarcer-  
22 ated individual, working at a facility operated by the department.

23 Use of force A. The term "use of force A" means a use of force by  
24 staff on an [~~inmate~~] incarcerated individual resulting in an injury to  
25 staff or [~~inmate~~] incarcerated individual that requires medical treat-  
26 ment beyond the prescription of over-the-counter analgesics or the  
27 administration of minor first aid, including those uses of force result-  
28 ing in one or more of the following treatments/injuries: (i) multiple  
29 abrasions and/or contusions; (ii) chipped or cracked tooth; (iii) loss  
30 of tooth; (iv) laceration; (v) puncture; (vi) fracture; (vii) loss of  
31 consciousness; including a concussion; (viii) suture; (ix) internal  
32 injuries, including but not limited to, ruptured spleen or perforated  
33 eardrum; and (x) admission to a hospital.

34 Use of force B. The term "use of force B" means a use of force by  
35 staff on an [~~inmate~~] incarcerated individual resulting in an injury to  
36 staff or [~~inmate~~] incarcerated individual that does not require hospi-  
37 talization or medical treatment beyond the prescription of over-the-  
38 counter analgesics or the administration of minor first aid, including  
39 the following: (i) a use of force resulting in a superficial bruise,  
40 scrape, scratch, or minor swelling; and (ii) the forcible use of mechan-  
41 ical restraints in a confrontational situation that results in no or  
42 minor injury.

43 Use of force C. The term "use of force C" means a use of force by  
44 staff on an [~~inmate~~] incarcerated individual resulting in no injury to  
45 staff or [~~inmate~~] incarcerated individual, including incidents where use  
46 of oleoresin capsicum spray results in no injury, beyond irritation that  
47 can be addressed through decontamination.

48 c. Children and their mothers shall be housed in the nursery unless  
49 the department determines that such housing would not be in the best  
50 interest of such child pursuant to section 611 of the correction law or  
51 any successor statute. The department shall maintain formal written  
52 procedures consistent with this policy and with the following  
53 provisions:

54 1. The warden of the facility in which the nursery is located may deny  
55 a child admission to the nursery only if a consideration of all relevant

1 evidence indicates that such admission would not be in the best interest  
2 of the child.

3 2. Any [~~inmate~~] incarcerated individual whose child is denied admis-  
4 sion to the nursery shall be provided with a written determination spec-  
5 ifying the facts and reasons underlying such determination. Such notice  
6 shall indicate that this determination may be appealed, and describe the  
7 appeals process in plain and simple language.

8 3. An [~~inmate~~] incarcerated individual may appeal such determination.  
9 The appeal shall be decided by the commissioner or the chief of the  
10 department, in consultation with a person who has expertise in early  
11 childhood development. Any denial of an appeal shall include a specific  
12 statement of the reasons for denial. A copy of this determination on  
13 the appeal shall be provided to such [~~inmate~~] incarcerated individual.

14 4. [~~Inmates~~] Incarcerated individuals who are unable to read or under-  
15 stand the procedures in this subdivision shall be provided with neces-  
16 sary assistance.

17 6. The programming and services available to [~~inmates~~] incarcerated  
18 individuals and children in the nursery, including but not limited to  
19 the following categories: parenting, health and mental health, drug  
20 and/or alcohol addiction, vocational, educational, recreational, or  
21 other life skills; and

22 7. The following information by indicating the rate per 100 female  
23 [~~inmates~~] incarcerated individuals in the custody of the department,  
24 disaggregated by whether or not the incident took place in the nursery:  
25 (i) incidents of use of force A, (ii) incidents of use of force B, (iii)  
26 incidents of use of force C, and (iv) incidents of use of force C in  
27 which chemical agents are used.

28 § 288. The section heading and subdivisions a and b of section 9-143  
29 of the administrative code of the city of New York, as added by local  
30 law number 121 of the city of New York for the year 2016, are amended to  
31 read as follows:

32 Annual report on mentally ill [~~inmates~~] incarcerated individuals and  
33 recidivism.

34 a. Definitions. For the purposes of this section, the following terms  
35 have the following meanings:

36 Eligible [~~inmate~~] incarcerated individual. The term "eligible [~~inmate~~]  
37 incarcerated individual" means an [~~inmate~~] incarcerated individual whose  
38 period of confinement in a city correctional facility lasts 24 hours or  
39 longer, and who, during such confinement, receives treatment for a  
40 mental illness, but does not include [~~inmates~~] incarcerated individuals  
41 seen by mental health staff on no more than two occasions during their  
42 confinement and assessed on the latter of those occasions as having no  
43 need for further treatment in any city correctional facility or upon  
44 their release from any such facility.

45 Reporting period. The term "reporting period" means the calendar year  
46 two years prior to the year in which the report issued pursuant to this  
47 section is issued.

48 b. No later than March 31 of each year, beginning in 2017, the depart-  
49 ment shall post on its website a report regarding mentally ill [~~inmates~~]  
50 incarcerated individuals and recidivism. Such report shall include but  
51 not be limited to the following information:

52 1. The number of [~~inmates~~] incarcerated individuals released by the  
53 department to the community during the reporting period, the number of  
54 eligible inmates released to the community by the department during the  
55 reporting period, and the percentage of [~~inmates~~] incarcerated individ-  
56 uals released to the community by the department who were eligible

1 during the reporting period, provided that such report shall count each  
2 individual released during the reporting period only once; and

3 2. The number and percentage of [~~inmates~~] incarcerated individuals  
4 released to the community by the department during the reporting period  
5 who returned to the custody of the department within one year of their  
6 discharge, and the number and percentage of eligible [~~inmates~~] incarcer-  
7 ated individuals released to the community by the department during the  
8 reporting period who returned to the custody of the department within  
9 one year of their discharge, provided that such report shall count each  
10 individual released during the reporting period only once.

11 § 289. Subdivision a of section 9-144 of the administrative code of  
12 the city of New York, as added by local law number 122 of the city of  
13 New York for the year 2016, is amended to read as follows:

14 [~~a.~~] The department shall evaluate [~~inmate~~] incarcerated individual  
15 programming each calendar year. For purposes of this section, "[~~inmate~~]  
16 incarcerated individual programming" includes but is not limited to any  
17 structured services offered directly to [~~inmates~~] incarcerated individ-  
18 uals for the purposes of vocational training, counseling, cognitive  
19 behavioral therapy, addressing drug dependencies, or any similar  
20 purpose. No later than April 1 of each year, beginning in 2017, the  
21 department shall submit a summary of each evaluation to the mayor and  
22 the council, and post such summary to the department's website. This  
23 summary shall include factors determined by the department, including,  
24 but not be limited to, information related to the following for each  
25 such program: (i) the amount of funding received; (ii) estimated number  
26 of [~~inmates~~] incarcerated individuals served; (iii) a brief description  
27 of the program including the estimated number of hours of programming  
28 offered and utilized, program length, goals, target populations, effec-  
29 tiveness, and outcome measurements, where applicable; and (iv) success-  
30 ful completion and compliance rates, if applicable. Such summary shall  
31 be permanently accessible from the department's website and shall be  
32 provided in a format that permits automated processing, where appropriate.  
33 Each yearly summary shall include a comparison of the current year  
34 with the prior five years, where such information is available.

35 § 290. The second undesignated paragraph of subdivision a of section  
36 9-145 of the administrative code of the city of New York, as added by  
37 local law number 123 of the city of New York for the year 2016, is  
38 amended to read as follows:

39 Staff. The term "staff" means any employee of the department or any  
40 person who regularly provides health or counseling services directly to  
41 [~~inmates~~] incarcerated individuals.

42 § 291. The section heading and subdivisions a and b of section 9-146  
43 of the administrative code of the city of New York, as added by local  
44 law number 178 of the city of New York for the year 2016, are amended to  
45 read as follows:

46 [~~Inmate-court~~] Court appearance transportation for incarcerated indi-  
47 viduals. a. By April 1, 2017 and upon gaining access to such database  
48 described in subdivision c of this section, the department shall, within  
49 48 hours of admission of an [~~inmate~~] incarcerated individual to the  
50 custody of the department, determine whether an [~~inmate~~] incarcerated  
51 individual has any pending court appearances scheduled in New York city  
52 criminal court or the criminal term of New York state supreme court  
53 other than those appearances for cases for which such defendant is  
54 admitted to the custody of the department or that pertain solely to the  
55 payment of court surcharges.

1 b. In complying with subdivision a of this section, the department  
2 shall:

3 1. notify the office of court administration that such [~~inmate~~] incar-  
4 cerated individual is in department custody upon determination of such  
5 court appearance, pursuant to subdivision a of this section; and

6 2. provide, as required by the court, transportation for every  
7 [~~inmate~~] incarcerated individual for all such court appearances.

8 § 292. Section 9-147 of the administrative code of the city of New  
9 York, as added by local law number 180 of the city of New York for the  
10 year 2016, is amended to read as follows:

11 § 9-147 [~~Inmate—court~~] Court appearance clothing for incarcerated  
12 individuals. Except as provided elsewhere in this section, the depart-  
13 ment shall provide every [~~inmate~~] incarcerated individual appearing for  
14 a trial or before a grand jury with access to clothing in their personal  
15 property prior to transport for such appearance, and produce all such  
16 [~~inmates~~] incarcerated individuals for such appearances in such cloth-  
17 ing. If such clothing is not available, or if an [~~inmate~~] incarcerated  
18 individual chooses not to wear their personal clothing, the department  
19 shall provide such [~~inmate~~] incarcerated individual with new or gently  
20 used, size appropriate clothing of a kind customarily worn by persons  
21 not in the custody of the department, unless (i) such [~~inmate~~] incarcer-  
22 ated individual chooses to wear the uniform issued by the department, or  
23 (ii) such [~~inmate~~] incarcerated individual is required to wear such  
24 uniform by an order of the court. The department shall permit personal  
25 clothing to be delivered to an [~~inmate~~] incarcerated individual during  
26 such time as packages are permitted to be delivered under title 40 of  
27 the rules of the city of New York or during reasonable hours the day  
28 before an [~~inmate's~~] incarcerated individual's scheduled appearance for  
29 a trial or before a grand jury. New or gently used, weather- and size-  
30 appropriate clothing of a kind customarily worn by persons not in the  
31 custody of the department shall be offered to any [~~inmate~~] incarcerated  
32 individual released from the custody of the department from a court,  
33 unless the [~~inmate~~] incarcerated individual is wearing the [~~inmate's~~]  
34 incarcerated individual's own personal clothing.

35 § 293. Subdivisions a, b and c of section 9-148 of the administrative  
36 code of the city of New York, as added by local law number 123 of the  
37 city of New York for the year 2017, are amended to read as follows:

38 a. The department shall accept cash bail payments immediately and  
39 continuously after an [~~inmate~~] incarcerated individual is admitted to  
40 the custody of the department, except on such dates on which an [~~inmate~~]  
41 incarcerated individual appears in court other than an arraignment in  
42 criminal court.

43 b. The department shall release any [~~inmate~~] incarcerated individual  
44 for whom bail or bond has been paid or posted within the required time  
45 period of the later of such payment being made or the department's  
46 receipt of notice thereof, provided that if an [~~inmate~~] incarcerated  
47 individual cannot be released within the required time period due to  
48 extreme and unusual circumstances then such [~~inmate~~] incarcerated indi-  
49 vidual shall be released as soon as possible. Such timeframe may be  
50 extended when any of the following occurs, provided that the [~~inmate's~~]  
51 incarcerated individual's release shall be forthwith as that term is  
52 used in section 520.15 of the criminal procedure law:

53 1. The [~~inmate~~] incarcerated individual receives discharge planning  
54 services prior to release;

55 2. The [~~inmate~~] incarcerated individual has a warrant or hold from  
56 another jurisdiction or agency;

1 3. The [~~inmate~~] incarcerated individual is being transported at the  
2 time bail or bond is paid or posted;

3 4. The [~~inmate~~] incarcerated individual is not in departmental custody  
4 at the time bail or bond is paid or posted;

5 5. The [~~inmate~~] incarcerated individual requires immediate medical or  
6 mental health treatment; or

7 6. Section 520.30 of the criminal procedure law necessitates a delay.

8 c. The department shall accept or facilitate the acceptance of cash  
9 bail payments for [~~inmates~~] incarcerated individuals in the custody of  
10 the department: (i) at any courthouse of the New York City Criminal  
11 Court, (ii) at any location within one half mile of any such courthouse  
12 during all operating hours of such courthouse and at least two hours  
13 subsequent to such courthouse's closing, or (iii) online.

14 § 294. Subdivision a, the opening paragraph of subdivision b, subdivi-  
15 sions c and d of section 9-149 of the administrative code of the city of  
16 New York, as added by local law number 124 of the city of New York for  
17 the year 2017, are amended to read as follows:

18 a. In order to facilitate the posting of bail, the department may  
19 delay the transportation of an [~~inmate~~] incarcerated individual for  
20 admission to a housing facility for not less than four and not more than  
21 12 hours following the inmate's arraignment in criminal court if  
22 requested by either the department or a not-for-profit corporation under  
23 contract with the city to provide pretrial and other criminal justice  
24 services, including interviewing adult defendants either before or after  
25 such persons are arraigned on criminal charges, has made direct contact  
26 with a person who reports that he or she will post bail for the [~~inmate~~]  
27 incarcerated individual.

28 Such delay is not permissible for any [~~inmate~~] incarcerated individual  
29 who:

30 c. This section does not require the department to exceed the lawful  
31 capacity of any structure or unit, or require the department to detain  
32 [~~inmates~~] incarcerated individuals in courthouse facilities during such  
33 times as correctional staff are not regularly scheduled to detain  
34 [~~inmates~~] incarcerated individuals provided that the department must  
35 provide for the regular staffing of courthouse facilities for at least  
36 one hour after the last [~~inmate~~] incarcerated individual was taken into  
37 custody on bail.

38 d. Beginning July 1, 2018, the department or its designee shall submit  
39 to the council an annual report regarding the implementation of subdivi-  
40 sions a and b of this section. Such report shall include the following  
41 information:

42 1. The locations in which the department has implemented the  
43 provisions of this section;

44 2. In such locations, the number of [~~inmates~~] incarcerated individuals  
45 whose admission to a housing facility was delayed pursuant to this  
46 section;

47 3. The number and percentage of such [~~inmates~~] incarcerated individ-  
48 uals who posted bail during such delay and the number and percentage of  
49 such [~~inmates~~] incarcerated individuals who posted bail during the two  
50 calendar days following such [~~inmates~~] incarcerated individuals'  
51 arraignment; and

52 4. The number of [~~inmates~~] incarcerated individuals whose admission to  
53 a housing facility was delayed and who required medical treatment during  
54 such period of delay.

55 § 295. Intentionally omitted.

1 § 296. Subdivision d of section 9-151 of the administrative code of  
2 the city of New York, as added by local law number 168 of the city of  
3 New York for the year 2017, is amended to read as follows:

4 d. The department of correction report shall include, but need not be  
5 limited to, the following information, which shall be produced in a  
6 format that protects the privacy interests of ~~[inmates]~~ incarcerated  
7 individuals, including but not limited to those who have juvenile  
8 records and sealed criminal records or are otherwise protected by state  
9 or federal law. The student age as of the incident date will be used to  
10 categorize the student as adolescent or young adult, for the purposes of  
11 this reporting.

12 § 297. The second undesignated paragraph of subdivision a of section  
13 9-152 of the administrative code of the city of New York, as added by  
14 local law number 216 of the city of New York for the year 2017, is  
15 amended to read as follows:

16 Incident. The term "incident" means any incident in which staff used  
17 force on an ~~[inmate]~~ incarcerated individual.

18 § 298. The opening paragraph and paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9,  
19 10, 12, 13, 14, 15, 33 and the opening paragraphs of paragraphs 11 and  
20 16 of subdivision a of section 9-306 of the administrative code of the  
21 city of New York, as added by local law number 86 of the city of New  
22 York for the year 2015 and such section as renumbered by local law  
23 number 25 of the city of New York for the year 2018, are amended to read  
24 as follows:

25 Within 90 days of the beginning of each reporting period, the office  
26 of criminal justice shall post on its website a report regarding bail  
27 and the criminal justice system for the preceding reporting period. The  
28 reporting period for paragraphs 1, 3, 14, and 15 of this subdivision is  
29 quarterly, the reporting period for paragraphs 2, 4, 5, 6, 7, 8, 9, 10,  
30 11, 12, 13, and 16 is semi-annually, and the reporting period for para-  
31 graphs 17 through 33 is annually. For the purposes of this subdivision,  
32 any ~~[inmate]~~ incarcerated individual incarcerated on multiple charges  
33 shall be deemed to be incarcerated only on the most serious charge, a  
34 violent felony shall be deemed to be more serious than a non-violent  
35 felony of the same class, any ~~[inmate]~~ incarcerated individual incarcer-  
36 ated on multiple charges of the same severity shall be deemed to be held  
37 on each charge, any ~~[inmate]~~ incarcerated individual incarcerated on  
38 multiple bail amounts shall be deemed to be held only on the highest  
39 bail amount, any ~~[inmate]~~ incarcerated individual held on pending crimi-  
40 nal charges who has a parole hold shall be deemed to be held only on the  
41 parole hold, any ~~[inmate]~~ incarcerated individual held on pending crimi-  
42 nal charges who has any other hold shall be deemed to be held only on  
43 the pending criminal charges, and any ~~[inmate]~~ incarcerated individual  
44 incarcerated on multiple cases in which sentence has been imposed on at  
45 least one of such cases shall be deemed to be sentenced. Such report  
46 shall contain the following information, for the preceding reporting  
47 period or for the most recent reporting period for which such informa-  
48 tion is available, to the extent such information is available:

49 1. The average daily population of ~~[inmates]~~ incarcerated individuals  
50 in the custody of the department of correction.

51 2. The number of ~~[inmates]~~ incarcerated individuals admitted to the  
52 custody of the department of correction during the reporting period who  
53 had been sentenced to a definite sentence, the number held on pending  
54 criminal charges, and the number in any other category.

55 3. Of the number of ~~[inmates]~~ incarcerated individuals in the custody  
56 of the department of correction on the last Friday of each calendar



1 month of the reporting period, the percentage who had been sentenced to  
2 a definite sentence, the percentage held on pending criminal charges,  
3 and the percentage in any other category.

4 4. Of the number of [~~inmates~~] incarcerated individuals in the custody  
5 of the department of correction on the last Friday of each calendar  
6 month of the reporting period held on pending criminal charges, the  
7 percentage who were remanded without bail.

8 5. The number of [~~inmates~~] incarcerated individuals in the custody of  
9 the department of correction who were sentenced to a definite sentence  
10 during the reporting period of the following length: (a) 1-15 days; (b)  
11 16-30 days; (c) 31-90 days; (d) 91-180 days; or (e) more than 180 days.

12 6. Of the number [~~inmates~~] of incarcerated individuals in the custody  
13 of the department of correction on the last Friday of each calendar  
14 month of the reporting period who were sentenced to a definite sentence,  
15 the percentage of [~~inmates~~] incarcerated individuals whose sentences  
16 were of the following lengths: (a) 1-15 days; (b) 16-30 days; (c) 31-90  
17 days; (d) 91-180 days; or (e) more than 180 days.

18 7. The number of [~~inmates~~] incarcerated individuals admitted to the  
19 custody of the department of correction during the reporting period on  
20 pending criminal charges who were charged with offenses of the following  
21 severity: (a) class A felonies; (b) class B or C felonies; (c) class D  
22 or E felonies; (d) misdemeanors; or (e) non-criminal charges.

23 8. Of the number of [~~inmates~~] incarcerated individuals in the custody  
24 of the department of correction on the last Friday of each calendar  
25 month of the reporting period held on pending criminal charges, the  
26 percentage charged with offenses of the following severity: (a) class A  
27 felonies; (b) class B or C felonies; (c) class D or E felonies; (d)  
28 misdemeanors; or (e) non-criminal charges.

29 9. The number of [~~inmates~~] incarcerated individuals admitted to the  
30 custody of the department of correction during the reporting period on  
31 pending criminal charges who were charged with offenses of the following  
32 severity: (a) class A felonies disaggregated by offense; (b) violent  
33 felonies as defined in section 70.02 of the penal law; (c) non-violent  
34 felonies as defined in section 70.02 of the penal law; (d) misdemeanors;  
35 or (e) non-criminal charges.

36 10. Of the number of [~~inmates~~] incarcerated individuals in the custody  
37 of the department of correction on the last Friday of each calendar  
38 month of the reporting period held on pending criminal charges, the  
39 percentage charged with offenses of the following severity: (a) class A  
40 felonies disaggregated by offense; (b) violent felonies as defined in  
41 section 70.02 of the penal law; (c) non-violent felonies as defined in  
42 section 70.02 of the penal law; (d) misdemeanors; or (e) non-criminal  
43 charges.

44 Of the number of [~~inmates~~] incarcerated individuals in the custody of  
45 the department of correction on the last Friday of each calendar month  
46 of the reporting period held on pending criminal charges, the percentage  
47 charged with offenses of the following type, including the attempt to  
48 commit any of such offense as defined in [~~section~~] article 110 of the  
49 penal law:

50 12. The number of [~~inmates~~] incarcerated individuals admitted to the  
51 custody of the department of correction during the reporting period on  
52 pending criminal charges who were charged with offenses in the catego-  
53 ries defined in subparagraphs a, b, and c of paragraph 11 of this subdi-  
54 vision.

55 13. The number of [~~inmates~~] incarcerated individuals admitted to the  
56 custody of the department of correction during the reporting period on

1 pending criminal charges who had bail fixed in the following amounts:  
2 (a) \$1; (b) \$2-\$500; (c) \$501-\$1000; (d) \$1001-\$2500; (e) \$2501-\$5000;  
3 (f) \$5001-\$10,000; (g) \$10,001-\$25,000; (h) \$25,001-\$50,000; (i)  
4 \$50,001-\$100,000; or (j) more than \$100,000.

5 14. Of the number of [~~inmates~~] incarcerated individuals in the custody  
6 of the department of correction on the final Friday of each calendar  
7 month of the reporting period who were held on pending criminal charges,  
8 the percentage who had bail fixed in the following amounts: (a) \$1; (b)  
9 \$2-\$500; (c) \$501-\$1000; (d) \$1001-\$2500; (e) \$2501-\$5000; (f)  
10 \$5001-\$10,000; (g) \$10,001-\$25,000; (h) \$25,001-\$50,000; (i)  
11 \$50,001-\$100,000; or (j) more than \$100,000.

12 15. Of the number of [~~inmates~~] incarcerated individuals in the custody  
13 of the department of correction on the final day of the reporting period  
14 who were held on pending criminal charges, the percentage who had been  
15 incarcerated for the following lengths of time: (a) 1-2 days; (b) 3-5  
16 days; (c) 6-15 days; (d) 16-30 days; (e) 31-90 days; (f) 91-180 days;  
17 (g) 180-365 days; or (h) more than 365 days.

18 The information in paragraphs 1, 5, 7, 9, 13, 15, 30, 31, 32, and 33  
19 of this subdivision disaggregated by the borough in which the [~~inmate's~~]  
20 incarcerated individual's case was pending. This data shall be listed  
21 separately and shall also be compared to the following crime rates  
22 disaggregated by borough:

23 33. Of the number of [~~inmates~~] incarcerated individuals in the custody  
24 of the department of correction on the last Friday of each calendar  
25 month who were held on pending criminal charges during the reporting  
26 period, the percentage in which the status of the criminal case on the  
27 final day of the reporting period is as follows: (a) the charges are  
28 pending and the defendant was released by posting bail; (b) the charges  
29 are pending and the defendant was released by court order; (c) the  
30 charges are pending and the defendant was not released; (d) conviction  
31 for a violent felony; (e) conviction for a non-violent felony; (f)  
32 conviction for a misdemeanor; (g) conviction for a non-criminal offense;  
33 (h) charges dismissed or adjourned in contemplation of dismissal; or (i)  
34 any other disposition.

35 § 299. Subdivision (e) of section 11-4021 of the administrative code  
36 of the city of New York, as amended by chapter 556 of the laws of 2011,  
37 is amended to read as follows:

38 (e) In the alternative, the commissioner of finance may dispose of any  
39 cigarettes seized pursuant to this section, except those that violate,  
40 or are suspected of violating, federal trademark laws or import laws, by  
41 transferring them to the department of correction for sale to or use by  
42 [~~inmates~~] incarcerated individuals in such institutions.

43 § 300. Subdivision b of section 14-140 of the administrative code of  
44 the city of New York, as amended by local law number 28 of the city of  
45 New York for the year 1987, is amended to read as follows:

46 b. Custody of property and money. All property or money taken from the  
47 person or possession of a prisoner, all property or money suspected of  
48 having been unlawfully obtained or stolen or embezzled or of being the  
49 proceeds of crime or derived through crime or derived through the  
50 conversion of unlawfully acquired property or money or derived through  
51 the use or sale of property prohibited by law from being held, used or  
52 sold, all property or money suspected of having been used as a means of  
53 committing crime or employed in aid or furtherance of crime or held,  
54 used or sold in violation of law, all money or property suspected of  
55 being the proceeds of or derived through bookmaking, policy, common  
56 gambling, keeping a gambling place or device, or any other form of ille-

1 gal gambling activity and all property or money employed in or in  
2 connection with or in furtherance of any such gambling activity, all  
3 property or money taken by the police as evidence in a criminal investi-  
4 gation or proceeding, all property or money taken from or surrendered by  
5 a pawnbroker on suspicion of being the proceeds of crime or of having  
6 been unlawfully obtained, held or used by the person who deposited the  
7 same with the pawnbroker, all property or money which is lost or aban-  
8 doned, all property or money left uncared for upon a public street,  
9 public building or public place, all property or money taken from the  
10 possession of a person appearing to be insane, intoxicated or otherwise  
11 incapable of taking care of himself or herself, that shall come into the  
12 custody of any member of the police force or criminal court, and all  
13 property or money of [~~inmates~~] incarcerated individuals of any city  
14 hospital, prison or institution except the property found on deceased  
15 persons that shall remain unclaimed in its custody for a period of one  
16 month, shall be given, as soon as practicable, into the custody of and  
17 kept by the property clerk except that vehicles suspected of being  
18 stolen or abandoned and evidence vehicles as defined in subdivision b of  
19 section 20-495 of the code may be taken into custody in the manner  
20 provided for in subdivision b of section 20-519 of the code.

21 § 301. Intentionally omitted.

22 § 302. Intentionally omitted.

23 § 303. Intentionally omitted.

24 § 304. The opening paragraph of subdivision a of section 17-199 of the  
25 administrative code of the city of New York, as added by local law  
26 number 58 of the city of New York for the year 2015, is amended to read  
27 as follows:

28 The department shall submit to the mayor and the speaker of the coun-  
29 cil no later than July 15, 2015, and every three months thereafter, a  
30 report regarding the medical and mental health services provided to  
31 [~~inmates~~] incarcerated individuals in city correctional facilities  
32 during the previous three calendar months that includes, but need not be  
33 limited to:

34 § 305. The fourth undesignated paragraph of section 17-1801 of the  
35 administrative code of the city of New York, as added by local law  
36 number 124 of the city of New York for the year 2016, is amended to read  
37 as follows:

38 Health evaluation. The term "health evaluation" means any evaluation  
39 of an [~~inmate's~~] incarcerated individual's health and mental health upon  
40 their admission to the custody of the department of correction pursuant  
41 to minimum standards of [~~inmate~~] incarcerated individual care estab-  
42 lished by the board of correction.

43 § 306. Intentionally omitted.

44 § 307. Section 17-1804 of the administrative code of the city of New  
45 York, as added by local law number 124 of the city of New York for the  
46 year 2016, the section heading as amended by local law number 190 of the  
47 city of New York for the year 2019, is amended to read as follows:

48 § 17-1804 Health information exchange for incarcerated individuals.  
49 The department or its designee shall establish procedures to obtain the  
50 pre-arraignment screening record created pursuant to section 17-1802 and  
51 any medical records created and maintained by any hospital in connection  
52 with treatment provided to an arrestee who subsequently enters the  
53 custody of the department of correction, at the request of any health  
54 care provider conducting a health evaluation of such [~~inmate~~] incarcer-  
55 ated individuals.

56 § 308. Intentionally omitted.

1 § 309. Intentionally omitted.

2 § 310. Intentionally omitted.

3 § 311. Intentionally omitted.

4 § 312. Section 27-260 of the administrative code of the city of New  
5 York is amended to read as follows:

6 § 27-260 Classification. Buildings and spaces shall be classified in  
7 the institutional occupancy group when persons suffering from physical  
8 limitations because of health or age are harbored therein for care or  
9 treatment; when persons are detained therein for penal or correctional  
10 purposes; or when the liberty of the [~~inmates~~] incarcerated individuals  
11 is restricted. The institutional occupancy group consists of sub groups  
12 H-1 and H-2.

13 § 313. Subdivision b of section 403.4.1 of chapter 4 of the New York  
14 city plumbing code, as amended by local law number 79 of the city of New  
15 York for the year 2016, is amended to read as follows:

16 b. Toilet facilities for employees shall be separate from facilities  
17 for [~~inmates~~] incarcerated individuals or patients.

18 § 314. Subdivision e of section 13-c of the New York city charter, as  
19 added by local law number 103 of the city of New York for the year 2016,  
20 is amended to read as follows:

21 e. Four-year plan. Within one year after the completion of the first  
22 biennial report required by subdivision d of this section, and in every  
23 fourth calendar year thereafter, the coordinator shall prepare and  
24 submit to the mayor and the council a four-year plan for providing  
25 reentry services to those city residents who need such services. Such  
26 plan may include recommendations for approaches to serving city resi-  
27 dents in need of reentry services, including the establishment of an  
28 initial point of access for individuals immediately upon their release  
29 from the custody of the department of correction in a location adjacent  
30 to Rikers Island or to the correctional facility that releases the most  
31 [~~inmates~~] incarcerated individuals daily. Such report and plan shall  
32 also identify obstacles to making such services available to all those  
33 who need them and describe what additional resources would be necessary  
34 to do so.

35 § 315. Paragraph 8 of subdivision d of section 556 of the New York  
36 city charter, as added by a vote of the people of the city of New York  
37 at the general election held in November of 2001, section 11 of proposal  
38 number 5, is amended to read as follows:

39 (8) promote or provide medical and health services for the [~~inmates~~]  
40 incarcerated individuals of prisons maintained and operated by the city;

41 § 316. Section 625 of the New York city charter is amended to read as  
42 follows:

43 § 625. Labor of prisoners. Every [~~inmate~~] incarcerated individual of  
44 an institution under the authority of the commissioner shall be employed  
45 in some form of industry, in farming operations or other employment, and  
46 products thereof shall be utilized in the institutions under the commis-  
47 sioner or in any other agency. Those persons held for trial may be  
48 employed in the same manner as sentenced prisoners, provided they give  
49 their consent in writing. Such [~~inmates~~] incarcerated individuals or  
50 prisoners held for trial may be detailed by the commissioner to perform  
51 work or service on the grounds and buildings or on any public improve-  
52 ment under the charge of any other agency.

53 § 317. Paragraph 1 of subdivision d of section 803 of the New York  
54 city charter, as added by local law number 165 of the city of New York  
55 for the year 2016, is amended to read as follows:

1 1. The commissioner shall, immediately upon appointment of the indi-  
2 vidual described in paragraph 2 of this subdivision, in addition to the  
3 investigatory work done in the normal course of the commissioner's  
4 duties, on an ongoing basis, conduct system-wide investigations,  
5 reviews, studies, and audits, and make recommendations regarding  
6 system-wide operations, policies, programs, and practices of the depart-  
7 ment of correction, with the goal of improving conditions in city jails,  
8 including but not limited to, reducing violence in departmental facili-  
9 ties, protecting the safety of departmental employees and [~~inmates~~]  
10 incarcerated individuals, protecting the rights of [~~inmates~~] incarcerat-  
11 ed individuals, and increasing the public's confidence in the department  
12 of correction. The commissioner may consider, in addition to any other  
13 information the commissioner deems relevant, information regarding civil  
14 actions filed in state or federal court against individual correction  
15 officers or the city regarding the department of correction, notices of  
16 claim received by the comptroller filed against individual correction  
17 officers or the city regarding the department of correction, settlements  
18 by the comptroller of claims filed against individual correction offi-  
19 cers or the city regarding the department of correction, complaints  
20 received and investigations conducted by the board of correction,  
21 complaints received and any investigations regarding such complaints  
22 conducted by the department of correction, complaints received pursuant  
23 to section 804 of this chapter, and any criminal arrests or investi-  
24 gations of individual correction officers known to the department of  
25 investigation in its ongoing review of the department of correction.

26 § 318. Subdivision 9 of section 1057-a of the New York city charter,  
27 as added by local law number 138 of the city of New York for the year  
28 2016, is amended to read as follows:

29 9. In addition to the other requirements of this section, the depart-  
30 ment of correction shall implement and administer a program of distrib-  
31 ution and submission of absentee ballot applications, and subsequently  
32 received absentee ballots, for eligible [~~inmates~~] incarcerated individ-  
33 uals. Such department shall offer, to all [~~inmates~~] incarcerated indi-  
34 viduals who are registered to vote, absentee ballot applications, and a  
35 means to complete them, during the period from sixty days prior to any  
36 primary, special, or general election in the city of New York until two  
37 weeks prior to any such election. Such department shall subsequently  
38 provide any absentee ballot received from the board of elections in  
39 response to any such application to the applicable [~~inmate~~] incarcerated  
40 individual, as well as a means to complete it. Such department shall  
41 provide assistance to any such [~~inmate~~] incarcerated individual in fill-  
42 ing out such application or ballot upon request. Such department shall,  
43 not later than five days after receipt, transmit such completed applica-  
44 tions and ballots from any [~~inmate~~] incarcerated individual who wishes  
45 to have them transmitted to the board of elections for the city of New  
46 York. The provisions of this subdivision shall not apply in any specific  
47 instance in which the department deems it unsafe to comply therewith.

48 § 319. Whenever the term "inmate" or any equivalent expression thereof  
49 is used in any provision of law, such term shall be deemed to mean and  
50 refer to an "incarcerated individual" or variation thereof.

51 § 320. Any provision of any act of the legislature enacted in the  
52 calendar year in which this act is enacted, which contains a reference  
53 to an inmate or an equivalent expression thereof shall be deemed to mean  
54 or refer to an incarcerated individual as the context requires pursuant  
55 to the provisions of this act.

1 § 321. The commissioner of the department of corrections and community  
2 supervision and the commissioner of the department of criminal justice  
3 services shall act to remove references to "inmate" or an equivalent  
4 expression thereof from internal documents and replace such references  
5 to "incarcerated individual" as the context requires.

6 § 322. This act shall take effect immediately, provided, however,  
7 that:

8 1. the amendments to subdivision 1 of section 259-c of the executive  
9 law made by section eight of this act shall be subject to the expiration  
10 and reversion of such subdivision pursuant to subdivision d of section  
11 74 of chapter 3 of the laws of 1995, as amended, when upon such date the  
12 provisions of section eight-a of this act shall take effect;

13 2. the amendments to subdivision 2 of section 259-c of the executive  
14 law made by section eight-b of this act shall take effect on the same  
15 date and in the same manner as section 38-b of subpart A of part C of  
16 chapter 62 of the laws of 2011, takes effect;

17 3. the amendments to paragraph (a) of subdivision 2 and paragraph (d)  
18 of subdivision 3 of section 259-i of the executive law made by section  
19 eleven of this act shall be subject to the expiration and reversion of  
20 such paragraphs pursuant to subdivision d of section 74 of chapter 3 of  
21 the laws of 1995, as amended, when upon such date the provisions of  
22 section eleven-a of this act shall take effect;

23 4. the amendments to paragraph (a) of subdivision 1 of section 259-r  
24 of the executive law made by section fourteen of this act shall be  
25 subject to the expiration and reversion of such paragraph pursuant to  
26 subdivision d of section 74 of chapter 3 of the laws of 1995, as  
27 amended, when upon such date the provisions of section fourteen-a of  
28 this act shall take effect;

29 5. the amendments to paragraph b of subdivision 2 of section 265 of  
30 the executive law made by section sixteen of this act shall not affect  
31 the repeal of such section and shall be deemed repealed therewith;

32 6. the amendments to paragraph (a-1) of subdivision 1 of section  
33 2807-c of the public health law made by section fifty-three of this act  
34 shall be subject to the expiration and reversion of such paragraph  
35 pursuant to subdivision 5 of section 168 of chapter 639 of the laws of  
36 1996, as amended, when upon such date the provisions of section fifty-  
37 three-a of this act shall take effect;

38 7. the amendments to subdivision 5 of section 60.35 of the penal law  
39 made by section one hundred three of this act shall be subject to the  
40 expiration and reversion of such subdivision pursuant to subdivision h  
41 of section 74 of chapter 3 of the laws of 1995, as amended, when upon  
42 such date the provisions of section one hundred three-a of this act  
43 shall take effect;

44 8. the amendments to paragraph (d) of subdivision 1 of section 70.20  
45 of the penal law made by section one hundred four of this act shall be  
46 subject to the expiration and reversion of such subdivision pursuant to  
47 subdivision d of section 74 of chapter 3 of the laws of 1995, as  
48 amended, when upon such date the provisions of section one hundred  
49 four-a of this act shall take effect;

50 9. the amendments to subdivision 18 of section 2 of the correction law  
51 made by section one hundred seven of this act shall be subject to the  
52 expiration and reversion of such subdivision pursuant to subdivision (q)  
53 of section 427 of chapter 55 of the laws of 1992, as amended, when upon  
54 such date the provisions of section one hundred seven-a of this act  
55 shall take effect;

1 10. the amendments to subdivision 17 of section 45 of the correction  
2 law made by section one hundred twenty-one of this act shall not affect  
3 the repeal of such subdivision and shall be deemed repealed therewith;

4 11. the amendments to subdivision 5 of section 72 of the correction  
5 law made by section one hundred twenty-eight of this act shall be  
6 subject to the expiration and reversion of such subdivision pursuant to  
7 section 10 of chapter 339 of the laws of 1972, as amended, when upon  
8 such date the provisions of section one hundred twenty-eight-a of this  
9 act shall take effect;

10 12. the amendments to section 72-a of the correction law made by  
11 section one hundred twenty-nine of this act shall not affect the expira-  
12 tion of such section and shall be deemed to expire therewith;

13 13. the amendments to section 91 of the correction law made by section  
14 one hundred forty-two of this act shall be subject to the expiration and  
15 reversion of such section pursuant to section 8 of part H of chapter 56  
16 of the laws of 2009, as amended, when upon such date the provisions of  
17 section one hundred forty-two-a of this act shall take effect;

18 14. the amendments to section 92 of the correction law made by section  
19 one hundred forty-three of this act shall be subject to the expiration  
20 and reversion of such section pursuant to section 8 of part H of chapter  
21 56 of the laws of 2009, as amended, when upon such date the provisions  
22 of section one hundred forty-three-a of this act shall take effect;

23 15. the amendments to sections 500-b, 500-c, and 500-o of the  
24 correction law made by sections one hundred ninety-eight, one hundred  
25 ninety-nine, and two hundred three of this act shall not affect the  
26 repeal of such sections and shall be deemed repealed therewith;

27 16. the amendments to subdivision (a) of section 601 of the correction  
28 law made by section two hundred nine of this act shall be subject to the  
29 expiration and reversion of such subdivision pursuant to subdivision d  
30 of section 74 of chapter 3 of the laws of 1995, as amended, when upon  
31 such date the provisions of section two hundred nine-a of this act shall  
32 take effect;

33 17. the amendments to subdivision (b) of section 601 of the correction  
34 law made by section two hundred nine-a of this act shall take effect on  
35 the same date and in the same manner as section 6 of chapter 738 of the  
36 laws of 2004, takes effect;

37 18. the amendments to article 22-A of the correction law made by  
38 sections two hundred twenty, two hundred twenty-one, two hundred twen-  
39 ty-two and two hundred twenty-three of this act shall not affect the  
40 expiration of such article and shall be deemed to expire therewith;

41 19. the amendments to section 803 of the correction law made by  
42 section two hundred twenty-four of this act shall be subject to the  
43 expiration and reversion of such section pursuant to subdivision d of  
44 section 74 of chapter 3 of the laws of 1995, as amended, when upon such  
45 date the provisions of section two hundred twenty-four-a of this act  
46 shall take effect;

47 20. the amendments to section 805 of the correction law made by  
48 section two hundred twenty-six of this act shall be subject to the expi-  
49 ration and reversion of such section pursuant to subdivision d of  
50 section 74 of chapter 3 of the laws of 1995, as amended, when upon such  
51 date the provisions of section two hundred twenty-six-a of this act  
52 shall take effect;

53 21. the amendments to section 806 of the correction law made by  
54 section two hundred twenty-seven of this act shall not affect the repeal  
55 of such section and shall be deemed repealed therewith;

1 22. the amendments to subdivision 2 of section 851 of the correction  
2 law made by section two hundred twenty-eight of this act shall be  
3 subject to the expiration and reversion of such subdivision and section  
4 pursuant to subdivision (c) of section 46 of chapter 60 of the laws of  
5 1994 and section 10 of chapter 339 of the laws of 1972, as amended, when  
6 upon such date the provisions of section two hundred twenty-eight-b of  
7 this act shall take effect;

8 23. the amendments to section 851 of the correction law made by  
9 sections two hundred twenty-eight-b and two hundred twenty-eight-c of  
10 this act shall be subject to the expiration and reversion of such  
11 section pursuant to subdivision (c) of section 46 of chapter 60 of the  
12 laws of 1994, section 10 of chapter 339 of the laws of 1972, and section  
13 5 of chapter 554 of the laws of 1986, as amended, when upon such date  
14 section two hundred twenty-eight-d of this act shall take effect;

15 24. the amendments to section 851 of the correction law, made by  
16 section two hundred twenty-eight-a of this act, shall not affect the  
17 expiration and reversion of such section pursuant to chapter 339 of the  
18 laws of 1972, as amended, and shall expire therewith, when upon such  
19 date section two hundred twenty-eight-c of this act shall take effect;

20 25. the amendments to section 852 of the correction law, made by  
21 section two hundred twenty-nine of this act shall be subject to the  
22 expiration and reversion of such section pursuant to chapter 339 of the  
23 laws of 1972, as amended, when upon such date the provisions of section  
24 two hundred twenty-nine-a of this act shall take effect;

25 26. the amendments to section 855 of the correction law, made by  
26 section two hundred thirty-one of this act, shall not affect the expira-  
27 tion and reversion of such section pursuant to chapter 339 of the laws  
28 of 1972, as amended, and shall expire therewith, when upon such date the  
29 provisions of section two hundred thirty-one-a of this act shall take  
30 effect;

31 27. the amendments to section 856 of the correction law made by  
32 section two hundred thirty-two of this act shall be subject to the expi-  
33 ration and reversion of such section pursuant to chapter 339 of the laws  
34 of 1972, as amended, when upon such date the provisions of section two  
35 hundred thirty-two-a of this act shall take effect;

36 27-a. the amendments to section 865 of the correction law made by  
37 section two hundred thirty-seven of this act shall take effect on the  
38 same date and in the same manner as section 2 of part KK of chapter 55  
39 of the laws of 2019, takes effect;

40 28. the amendments to subdivision 9 of section 10 of the court of  
41 claims act made by section two hundred forty-six of this act shall not  
42 affect the expiration of such subdivision and shall be deemed to expire  
43 therewith;

44 29. the amendments to subdivision (f) of section 1101 of the civil  
45 practice law and rules made by section two hundred forty-nine of this  
46 act shall not affect the expiration of such subdivision and shall be  
47 deemed to expire therewith; and

48 30. the amendments to subdivision d of section 9-149 of the adminis-  
49 trative code of the city of New York made by section two hundred nine-  
50 ty-four of this act shall not affect the repeal of such subdivision and  
51 shall be deemed repealed therewith.