

STATE OF NEW YORK

4519

2021-2022 Regular Sessions

IN SENATE

February 5, 2021

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the correction law, in relation to establishing the family reunion program

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

1 Section 1. The correction law is amended by adding a new section 138-b
2 to read as follows:

3 § 138-b. Family reunion program. 1. The department shall create a
4 family reunion program to provide eligible inmates and their families
5 the opportunity to meet for an extended period of time in privacy in a
6 residential setting. Such program shall be available at every general
7 confinement maximum-security state correctional facility and at any
8 medium-security state correctional facility with a general confinement
9 inmate population capacity of over eight hundred beds. Program facili-
10 ties and administration may be shared among correctional facilities.
11 Smaller medium facilities located near maximum security facilities or
12 large medium security facilities may be permitted to participate in the
13 program at such facilities. Family reunion programs shall contain enough
14 housing units to accommodate family reunion program visits at least one
15 time every four months for eligible inmates.

16 2. Inmates who maintain a good disciplinary record, who comply with
17 departmental program requirements and who do not pose a current danger
18 pursuant to subdivision four of this section shall be eligible to apply
19 for participation in the family reunion program. A good disciplinary
20 record shall mean the inmate has not resided in a segregated confinement
21 unit or in keep lock for a sanction for misbehavior for over fifteen
22 days within the last six months prior to the visit. An inmate who has
23 not maintained a good disciplinary record may reapply for family reunion
24 program participation six months after being released from segregated

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

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1 confinement or keep lock. Inmates who are denied participation in the
2 program may appeal to the commissioner. Once an inmate has been approved
3 for participation in the family reunion program, he or she shall remain
4 eligible to participate unless such eligibility is taken away for bad
5 conduct, failure to comply with departmental program requirements or
6 because he or she has been determined to pose a current danger to self
7 or others pursuant to subdivision four of this section. If an inmate is
8 transferred to a new facility, his or her eligibility for the family
9 reunion program will continue and such inmate shall be eligible to
10 participate in the family reunion program at such new facility thirty
11 days after arrival.

12 3. (a) Applications for participation in the family reunion program
13 may be made for the following family members who have established a
14 pattern of visitation, as defined by three visits in the last twelve
15 months unless such family member lives out of state, is disabled, elder-
16 ly or a minor, or lives more than three hundred miles from the facility
17 where the inmate is housed. In such cases, the visitor shall be allowed
18 to participate in the family reunion program without establishing a
19 recent pattern of visitation if he or she is otherwise eligible. The
20 department shall provide reasonable accommodations for disabled visitors
21 and inmates upon request. The number of visitors at any one time shall
22 be limited to the occupancy capacity of the family reunion program unit,
23 as determined by the fire and safety official with jurisdiction over
24 such units. The following family members may be eligible for partic-
25 ipation in the program:

26 (i) legal spouses, including a spouse who marries an inmate during the
27 term of his or her incarceration;

28 (ii) children or step-children of the inmate, who may be accompanied
29 by their non-incarcerated parent;

30 (iii) parents or step-parents of the inmate;

31 (iv) grandparents;

32 (v) siblings;

33 (vi) grandchildren of the inmate; and

34 (vii) with special approval from the facility superintendent, aunts,
35 uncles, cousins, foster parents and in-laws of the inmate, with proof of
36 relationship.

37 (b) An eligible visitor may lose eligibility if he or she is in
38 violation of a serious rule or regulation of the program, as determined
39 by the commissioner. Any visitor who loses his or her eligibility to
40 participate in the program shall be granted due process and shall be
41 eligible to participate in the program after a reasonable waiting period
42 unless he or she has been convicted of a crime related to his or her
43 participation in the program.

44 4. Inmates who pose a current danger to themselves or others may be
45 denied family reunion program visitation. Such denial must be made on a
46 case-by-case basis at the time visitation is sought and shall be made in
47 writing, with a copy to the inmate and to the proposed visitor. When
48 such danger has passed, the inmate shall again be eligible for partic-
49 ipation in the program unless he or she has failed to maintain a good
50 disciplinary record or to comply with the department's program require-
51 ments. Inmates who test positive for human immunodeficiency virus or
52 hepatitis B or C, may participate in the program with informed consent
53 of the visitor or visitors.

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