

STATE OF NEW YORK

6485

2023-2024 Regular Sessions

IN ASSEMBLY

April 11, 2023

Introduced by M. of A. WEPRIN, CRUZ, EPSTEIN, L. ROSENTHAL, SAYEGH, AUBRY, SIMON -- read once and referred to the Committee on 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 incarcerated individuals and
5 their families the opportunity to meet for an extended period of time in
6 privacy in a residential setting. Such program shall be available at
7 every general confinement maximum-security state correctional facility
8 and at any medium-security state correctional facility with a general
9 confinement incarcerated individual population capacity of over eight
10 hundred beds. Program facilities and administration may be shared among
11 correctional facilities. Smaller medium-security facilities located near
12 maximum-security facilities or large medium-security facilities may be
13 permitted to participate in the program at such facilities. Family reun-
14 ion programs shall contain enough housing units to accommodate family
15 reunion program visits at least one time every four months for eligible
16 incarcerated individuals.

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

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

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

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

24 (i) legal spouses, including a spouse who marries an incarcerated
25 individual during the term of his or her incarceration;

26 (ii) children or stepchildren of the incarcerated individual, who may
27 be accompanied by their non-incarcerated parent;

28 (iii) parents or stepparents of the incarcerated individual;

29 (iv) grandparents;

30 (v) siblings;

31 (vi) grandchildren of the incarcerated individual; and

32 (vii) with special approval from the facility superintendent, aunts,
33 uncles, cousins, foster parents and in-laws of the incarcerated individ-
34 ual, with proof of relationship.

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

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

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