

STATE OF NEW YORK

9453

IN ASSEMBLY

March 14, 2024

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

AN ACT to amend the correction law, in relation to prohibiting the limitation of in-person visitation of incarcerated individuals

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. Prohibited limitation of in-person visitation of incarcerated
4 individuals. 1. A correctional facility shall not:

5 (a) prohibit, eliminate, or unreasonably limit in-person visitation of
6 incarcerated individuals; or

7 (b) coerce, compel, or otherwise pressure an incarcerated individual
8 to forego or limit in-person visitation.

9 2. For the purposes of this section, to unreasonably limit in-person
10 visitation of incarcerated individuals shall include, but not be limited
11 to, providing an eligible incarcerated individual fewer than two oppor-
12 tunities for in-person visitation during any seven-day period.

13 3. A correctional institution, jail or house of correction may use
14 video or other types of electronic devices for incarcerated individual
15 communication with visitors; provided, however, that such electronic
16 communications shall be in addition to and shall not replace in-person
17 visitation.

18 4. Nothing in this section shall prohibit the temporary suspension of
19 visitation privileges for good cause, including, but not limited to,
20 misbehavior or during certain emergencies, as determined by the depart-
21 ment.

22 § 2. This act shall take effect on the thirtieth day after it shall
23 have become a law. Effective immediately, the addition, amendment and/or
24 repeal of any rule or regulation necessary for the implementation of
25 this act on its effective date are authorized to be made and completed
26 on or before such effective date.

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

LBD14314-01-4