STATE OF NEW YORK

3318--A

Cal. No. 368

2023-2024 Regular Sessions

IN SENATE

January 30, 2023

Introduced by Sens. SEPULVEDA, BAILEY, BRISPORT, BROUK, CLEARE, GIANARIS, GOUNARDES, HOYLMAN-SIGAL, JACKSON, KAVANAGH, MYRIE, RAMOS, RIVERA, SALAZAR, SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- recommitted to the Committee on Crime Victims, Crime and Correction in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the correction law, in relation to the establishment of visiting policies for incarcerated people

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

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

§ 138-b. Visiting policies for the incarcerated. 1. State and local correctional facilities shall establish visiting policies which give incarcerated people opportunities for in-person contact with their relatives, children, friends, clergy, volunteers and other persons to promote individual transformation, better institutional adjustment and better community adjustment upon release. Such program shall include, but not be limited to, (a) visiting hours that are reasonably likely to accommodate persons traveling from within the state, including evening hours starting at six o'clock p.m. and/or weekend hours, (b) visits of sufficient duration, including a minimum of one hour at local correctional facilities so that visitors and incarcerated people will be able to maintain relationship bonds, and (c) a published overcrowding policy that is equitable with due consideration to the distance traveled by the visitor, the frequency of the visitor's visits, the most recent occasion that the incarcerated person's visit was terminated due to overcrowding,

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

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and any other individual circumstances that limit in-person visits between the incarcerated person and the visitor.

2. Video conferencing may supplement, but shall not take the place of, in-person visits. For the purposes of this section, video conferencing or other technologies that enable remote visitation shall not count toward the required number of visits or duration of visitation that any facility must offer to incarcerated individuals by law or regulation.

3. No incarcerated person is to be visited against his or her will by any person.

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