

# STATE OF NEW YORK

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3318--A

Cal. No. 368

2023-2024 Regular Sessions

## IN SENATE

January 30, 2023

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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:

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

3 § 138-b. Visiting policies for the incarcerated. 1. State and local  
4 correctional facilities shall establish visiting policies which give  
5 incarcerated people opportunities for in-person contact with their rela-  
6 tives, children, friends, clergy, volunteers and other persons to  
7 promote individual transformation, better institutional adjustment and  
8 better community adjustment upon release. Such program shall include,  
9 but not be limited to, (a) visiting hours that are reasonably likely to  
10 accommodate persons traveling from within the state, including evening  
11 hours starting at six o'clock p.m. and/or weekend hours, (b) visits of  
12 sufficient duration, including a minimum of one hour at local correc-  
13 tional facilities so that visitors and incarcerated people will be able  
14 to maintain relationship bonds, and (c) a published overcrowding policy  
15 that is equitable with due consideration to the distance traveled by the  
16 visitor, the frequency of the visitor's visits, the most recent occasion  
17 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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1 and any other individual circumstances that limit in-person visits  
2 between the incarcerated person and the visitor.

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

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

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