STATE OF NEW YORK

6002

2023-2024 Regular Sessions

IN SENATE

March 27, 2023

Introduced by Sen. LANZA -- 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 segregated confinement

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

Section 1. The opening paragraph of subdivision 6 of section 137 of the correction law, as amended by chapter 322 of the laws of 2021, is amended and two new paragraphs (p) and (q) are added to read as follows:

Except as provided in paragraphs (d) [~~and~~], (e)**, (p) and (q)** of this subdivision, **as a measure of last resort,** the superintendent of a correctional facility**, under supervision of the commissioner, or the sheriff of a local correctional facility** may keep any incarcerated individual confined in a cell or room, apart from the accommodations provided for incarcerated individuals who are participating in programs of the facility, for such **minimal** period as may be necessary for maintenance of order or discipline, but in any such case the following conditions shall be observed:

(p) Segregated confinement is prohibited for the following incarcerated individuals:

(i) juveniles under the age of twenty-one;

(ii) any person with a mental illness or a developmental disability as defined in section 1.03 of the mental hygiene law; and

(iii) any person who has a permanent physical disability documented in his or her medical records that substantially limits one or more major life activities. For the purposes of this subdivision, "major life activities" means functions such as walking, seeing, hearing and speaking.

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

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(q) The commissioner shall compile and publish comprehensive disaggregated data on the use of segregated confinement, including related suicide attempts and self-harm, on a quarterly basis.

§ 2. Subdivision 3 of section 138 of the correction law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

3. Facility rules shall be specific and precise giving all incarcerated individuals actual notice of the conduct prohibited. Facility rules shall state the range of disciplinary sanctions which can be imposed for violation of each rule **but any sanction of segregated confinement shall be for the minimum period necessary for the maintenance of order or discipline**.

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