

STATE OF NEW YORK

7585--A

2023-2024 Regular Sessions

IN ASSEMBLY

May 25, 2023

Introduced by M. of A. KELLES, GONZALEZ-ROJAS, SOLAGES, DICKENS, SIMON, REYES, GALLAGHER, SHRESTHA, FORREST, CRUZ, EPSTEIN, LEVENBERG, BURDICK, MAMDANI, WALKER -- read once and referred to the Committee on Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law, in relation to requiring conditional release of pregnant and postpartum individuals and prohibiting the incarceration of pregnant and postpartum individuals

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

Section 1. Section 611 of the correction law is amended by adding two new subdivisions 5 and 6 to read as follows:

5. Notwithstanding any other provision of this section to the contrary:

(a) In the furtherance of public interest and the welfare of children, the commissioner shall release:

i. for up to one year postpartum, an individual who gave birth within nine months of the date of commitment; and

ii. for the duration of the pregnancy and up to one year postpartum, an incarcerated individual who is pregnant.

(b) The commissioner shall conditionally release an incarcerated individual under paragraph (a) of this subdivision to community-based programming for the purpose of participation in prenatal or postnatal care programming and to promote birthing parent-child bonding in addition to other programming requirements as established by the commissioner, including: evidence-based parenting skills programming; working at paid employment; seeking employment; or participating in vocational training, an educational program, domestic violence recovery services, or chemical dependency or mental health treatment services.

(c) The department shall develop policy and criteria to implement this subdivision.

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

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1 (d) By April first of each year, the commissioner shall report to the
2 chairs and ranking minority members of the committees of the senate and
3 assembly with jurisdiction over corrections and with jurisdiction over
4 issues concerning women and children regarding the number of individuals
5 released and the duration of the release pursuant to this subdivision
6 for the prior calendar year.

7 6. Notwithstanding any other provision of this section to the contra-
8 ry:

9 (a) In the furtherance of public interest and the welfare of children,
10 the commissioner shall prohibit the incarceration of:

11 i. for up to one year postpartum, an individual who gave birth within
12 nine months of the date of commitment; and

13 ii. for the duration of the pregnancy and up to one year postpartum,
14 an individual who is pregnant who would be subject to incarceration were
15 they not pregnant or postpartum.

16 (b) The commissioner shall commit an individual under paragraph (a) of
17 this subdivision to community-based programming for the purpose of
18 participation in prenatal or postnatal care programming and to promote
19 birthing parent-child bonding in addition to other programming require-
20 ments as established by the commissioner, including: evidence-based
21 parenting skills programming; working at paid employment; seeking
22 employment; or participating in vocational training, an educational
23 program, domestic violence recovery services, or chemical dependency or
24 mental health treatment services.

25 (c) The department shall develop policy and criteria to implement this
26 subdivision.

27 (d) By April first of each year, the commissioner shall report to the
28 chairs and ranking minority members of the committees of the senate and
29 assembly with jurisdiction over corrections and with jurisdiction over
30 issues concerning women and children the number of individuals committed
31 to community-based programming under this subdivision and the duration
32 of the community-based programming under this subdivision for the prior
33 calendar year.

34 § 2. This act shall take effect immediately.