

STATE OF NEW YORK

6136--A

2025-2026 Regular Sessions

IN ASSEMBLY

February 26, 2025

Introduced by M. of A. MEEKS -- read once and referred to the Committee on Correction -- recommitted to the Committee on Correction in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law, in relation to the transfer of incarcerated individuals from a county jail to a state correctional institution

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

1 Section 1. Subdivision 2 of section 504 of the correction law, as
2 amended by chapter 322 of the laws of 2021, is amended to read as
3 follows:
4 2. (a) Where the jail in a county becomes unfit or unsafe for the
5 confinement of some or all of the incarcerated individuals due to [~~an~~
6 ~~incarcerated individual disturbance or other~~] extraordinary circum-
7 stances, including but not limited to a natural disaster, or unantic-
8 ipated deficiencies in the structural integrity of a facility [~~or the~~
9 ~~inability to provide one or more incarcerated individuals with essential~~
10 ~~services such as medical care~~], upon the request of the municipal offi-
11 cial as defined in subdivision four of section forty of this chapter and
12 no other suitable place within the county nor the jail of any other
13 county is immediately available to house some or all of the incarcerated
14 individuals, the commissioner of corrections and community supervision
15 may, in [~~his or her~~] such commissioner's sole discretion, make avail-
16 able, upon such terms and conditions as [~~he or she~~] such commissioner
17 may deem appropriate, all or any part of a state correctional institu-
18 tion for the confinement of some or all of such incarcerated individuals
19 as an adjunct to the county jail for a period not to exceed thirty days.
20 Neither an incarcerated individual disturbance nor an inability to
21 provide one or more incarcerated individuals with essential services

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

LBD05956-02-6

1 such as medical care shall provide a basis for a transfer of an incar-
2 cerated individual from a jail in a county to a state correctional
3 facility.

4 [~~However, if~~] (b) If the county jail remains unfit or unsafe for the
5 confinement of some or all of such incarcerated individuals beyond thir-
6 ty days, the state commission of correction, with the consent of the
7 commissioner of corrections and community supervision, may extend the
8 availability of a state correctional institution for one or more addi-
9 tional thirty day periods. The state commission of correction shall
10 promulgate rules and regulations governing the temporary transfer of
11 incarcerated individuals to state correctional institutions from county
12 jails, including but not limited to provisions for confinement of such
13 incarcerated individuals in the nearest correctional facility, to the
14 maximum extent practicable, taking into account necessary security. The
15 commissioner of corrections and community supervision may, in [~~his or~~
16 ~~her~~] such commissioner's sole discretion, based on standards promulgated
17 by the department, determine whether a county shall reimburse the state
18 for any or all of the actual costs of confinement as approved by the
19 director of the division of the budget. On or before the expiration of
20 each thirty day period, the state commission of correction must make an
21 appropriate designation pursuant to subdivision one of this section if
22 the county jail remains unfit or unsafe for the confinement of some or
23 all of the incarcerated individuals and consent to the continued avail-
24 ability of a state correctional institution as required for herein. The
25 superintendence, management and control of a state correctional institu-
26 tion or part thereof made available pursuant hereto and the incarcerated
27 individuals housed therein shall be as directed by the commissioner of
28 corrections and community supervision.

29 § 2. This act shall take effect immediately.