STATE OF NEW YORK

6136--B

2025-2026 Regular Sessions

IN ASSEMBLY

February 26, 2025

Introduced by M. of A. MEEKS, GALLAGHER -- 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 -- reported and referred to the Committee on Ways and Means -- 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:

Section 1. Subdivision 2 of section 504 of the correction law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

2. (a) Where the jail in a county becomes [~~unfit or~~] unsafe for the confinement of some or all of the incarcerated individuals due to [~~an incarcerated individual disturbance or other~~] extraordinary circumstances, including but not limited to a natural disaster, or unanticipated deficiencies in the structural integrity of a facility [~~or the inability to provide one or more incarcerated individuals with essential services such as medical care~~], upon the request of the municipal official as defined in subdivision four of section forty of this chapter and no other suitable place within the county nor the jail of any other county is immediately available to house some or all of the incarcerated individuals, the commissioner of corrections and community supervision may, in [~~his or her~~] such commissioner's sole discretion, make available, upon such terms and conditions as [~~he or she~~] such commissioner may deem appropriate, all or any part of a state correctional institution for the confinement of some or all of such incarcerated individuals as an adjunct to the county jail for a period not to exceed thirty days.

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

LBD05956-04-6

Neither an incarcerated individual disturbance nor an inability to provide one or more incarcerated individuals with essential services including, but not limited to, medical care or mental health care shall provide a basis for a transfer of an incarcerated individual from a jail in a county to a state correctional facility.

[~~However, if~~] **(b) If** the county jail remains [~~unfit or~~] unsafe for the confinement of some or all of such incarcerated individuals beyond thirty days, **and no other suitable place within the original county nor the jail of any other county is immediately available to house some or all of such incarcerated individuals,** the state commission of correction, with the consent of the commissioner of corrections and community supervision, may extend the availability of a state correctional institution for one or more additional thirty day periods. The state commission of correction shall promulgate rules and regulations governing the temporary transfer of incarcerated individuals to state correctional institutions from county jails, including but not limited to provisions for confinement of such incarcerated individuals in the nearest correctional facility, to the maximum extent practicable, taking into account necessary security. The commissioner of corrections and community supervision may, in [~~his or her~~] **such commissioner's** sole discretion, based on standards promulgated by the department, determine whether a county shall reimburse the state for any or all of the actual costs of confinement as approved by the director of the division of the budget. On or before the expiration of each thirty day period, the state commission of correction must make an appropriate designation pursuant to subdivision one of this section if the county jail remains [~~unfit or~~] unsafe for the confinement of some or all of the incarcerated individuals and consent to the continued availability of a state correctional institution as required for herein. The superintendence, management and control of a state correctional institution or part thereof made available pursuant hereto and the incarcerated individuals housed therein shall be as directed by the commissioner of corrections and community supervision.

§ 2. This act shall take effect immediately.