

STATE OF NEW YORK

2509--A

2025-2026 Regular Sessions

IN SENATE

January 21, 2025

Introduced by Sen. SALAZAR -- 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 -- 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

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

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1 provide one or more incarcerated individuals with essential services
2 including, but not limited to, medical care or mental health care shall
3 provide a basis for a transfer of an incarcerated individual from a jail
4 in a county to a state correctional facility.

5 [~~However, if~~] (b) If the county jail remains [~~unfit or~~] unsafe for the
6 confinement of some or all of such incarcerated individuals beyond thirty
7 days, and no other suitable place within the original county nor the
8 jail of any other county is immediately available to house some or all
9 of such incarcerated individuals, the state commission of correction,
10 with the consent of the commissioner of corrections and community super-
11 vision, may extend the availability of a state correctional institution
12 for one or more additional thirty day periods. The state commission of
13 correction shall promulgate rules and regulations governing the tempo-
14 rary transfer of incarcerated individuals to state correctional insti-
15 tutions from county jails, including but not limited to provisions for
16 confinement of such incarcerated individuals in the nearest correctional
17 facility, to the maximum extent practicable, taking into account neces-
18 sary security. The commissioner of corrections and community supervision
19 may, in [~~his or her~~] such commissioner's sole discretion, based on stan-
20 dards promulgated by the department, determine whether a county shall
21 reimburse the state for any or all of the actual costs of confinement as
22 approved by the director of the division of the budget. On or before
23 the expiration of each thirty day period, the state commission of
24 correction must make an appropriate designation pursuant to subdivision
25 one of this section if the county jail remains [~~unfit or~~] unsafe for the
26 confinement of some or all of the incarcerated individuals and consent
27 to the continued availability of a state correctional institution as
28 required for herein. The superintendence, management and control of a
29 state correctional institution or part thereof made available pursuant
30 hereto and the incarcerated individuals housed therein shall be as
31 directed by the commissioner of corrections and community supervision.

32 § 2. This act shall take effect immediately.