

STATE OF NEW YORK

886

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sen. SEPULVEDA -- 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 establishing minimum rules for the treatment of incarcerated individuals

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

1 Section 1. The correction law is amended by adding a new section 123
2 to read as follows:

3 § 123. Minimum rules for the treatment of incarcerated individuals. 1.
4 Subject to constitutional and federal law but notwithstanding any other
5 section of law, the United Nations standard minimum rules for the treat-
6 ment of prisoners, also known as the Nelson Mandela rules, are hereby
7 incorporated by reference into this chapter, including, but not limited
8 to:

9 (a) a prohibition against prolonged confinement of more than fifteen
10 days in segregated confinement, administrative segregation or any other
11 form of solitary confinement or social isolation;

12 (b) community standards for medical and dental care, and a duty for
13 medical professionals to report when they notice mistreatment or abuse
14 of an incarcerated individual;

15 (c) the right of incarcerated individuals to make confidential
16 complaints to superintendents and central office staff without fear of
17 retaliation or intimidation;

18 (d) the right to be placed whenever feasible in a correctional facili-
19 ty close to a person's home or to the community where such person
20 expects to be released;

21 (e) the right to in-person visits contingent upon the visitor's agree-
22 ment to be searched if necessary for security purposes;

23 (f) the right to effective legal aid;

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

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1 (g) adequate and on-going training for staff;
2 (h) oversight by an independent agency with right of entry into any
3 correctional institution at any time, full access to all records and the
4 ability to interview both staff and incarcerated individuals at will;
5 (i) the right to vocational, educational and rehabilitative programs
6 as well as re-entry programs and services;
7 (j) the right to individualized programs of treatment, including indi-
8 vidual mental health therapy and counseling, based on an individual's
9 needs, capacity and disposition;
10 (k) equitable remuneration for work and program assignments; and
11 (l) protection from cruel, inhumane and degrading treatment or punish-
12 ment by correctional staff.
13 2. The department shall promulgate rules and regulations in accordance
14 with this section.

15 § 2. This act shall take effect one year after it shall have become a
16 law.