

STATE OF NEW YORK

3847

2025-2026 Regular Sessions

IN ASSEMBLY

January 30, 2025

Introduced by M. of A. WEPRIN, CRUZ, EPSTEIN, ROSENTHAL, SAYEGH, SIMON
-- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to establishing the family reunion program

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 138-b
2 to read as follows:

3 § 138-b. Family reunion program. 1. The department shall create a
4 family reunion program to provide eligible incarcerated individuals and
5 their families the opportunity to meet for an extended period of time in
6 privacy in a residential setting. Such program shall be available at
7 every general confinement maximum-security state correctional facility
8 and at any medium-security state correctional facility with a general
9 confinement incarcerated individual population capacity of over eight
10 hundred beds. Program facilities and administration may be shared among
11 correctional facilities. Smaller medium-security facilities located near
12 maximum-security facilities or large medium-security facilities may be
13 permitted to participate in the program at such facilities. Family reun-
14 ion programs shall contain enough housing units to accommodate family
15 reunion program visits at least one time every four months for eligible
16 incarcerated individuals.

17 2. Incarcerated individuals who maintain a good disciplinary record,
18 who comply with departmental program requirements and who do not pose a
19 current danger pursuant to subdivision four of this section shall be
20 eligible to apply for participation in the family reunion program. A
21 good disciplinary record shall mean the incarcerated individual has not
22 resided in a segregated confinement unit or in keep lock for a sanction
23 for misbehavior for over fifteen days within the last six months prior
24 to the visit. An incarcerated individual who has not maintained a good
25 disciplinary record may reapply for family reunion program participation
26 six months after being released from segregated confinement or keep
27 lock. Incarcerated individuals who are denied participation in the
28 program may appeal to the commissioner. Once an incarcerated individual

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

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1 has been approved for participation in the family reunion program, such
2 incarcerated individual shall remain eligible to participate unless such
3 eligibility is taken away for bad conduct, failure to comply with
4 departmental program requirements or because such incarcerated individ-
5 ual has been determined to pose a current danger to self or others
6 pursuant to subdivision four of this section. If an incarcerated indi-
7 vidual is transferred to a new facility, such incarcerated individual's
8 eligibility for the family reunion program will continue and such incar-
9 cerated individual shall be eligible to participate in the family reun-
10 ion program at such new facility thirty days after arrival.

11 3. (a) Applications for participation in the family reunion program
12 may be made for the following family members who have established a
13 pattern of visitation, as defined by three visits in the last twelve
14 months unless such family member lives out of state, is disabled, elder-
15 ly or a minor, or lives more than three hundred miles from the facility
16 where the incarcerated individual is housed. In such cases, the visitor
17 shall be allowed to participate in the family reunion program without
18 establishing a recent pattern of visitation if such visitor is otherwise
19 eligible. The department shall provide reasonable accommodations for
20 disabled visitors and incarcerated individuals upon request. The number
21 of visitors at any one time shall be limited to the occupancy capacity
22 of the family reunion program unit, as determined by the fire and safety
23 official with jurisdiction over such units. The following family members
24 may be eligible for participation in the program:

25 (i) legal spouses, including a spouse who marries an incarcerated
26 individual during the term of such incarcerated individual's incarceration;
27

28 (ii) children or stepchildren of the incarcerated individual, who may
29 be accompanied by their non-incarcerated parent;

30 (iii) parents or stepparents of the incarcerated individual;

31 (iv) grandparents;

32 (v) siblings;

33 (vi) grandchildren of the incarcerated individual; and

34 (vii) with special approval from the facility superintendent, siblings
35 of parents, cousins, foster parents and in-laws of the incarcerated
36 individual, with proof of relationship.

37 (b) An eligible visitor may lose eligibility if such visitor is in
38 violation of a serious rule or regulation of the program, as determined
39 by the commissioner. Any visitor who loses such visitor's eligibility to
40 participate in the program shall be granted due process and shall be
41 eligible to participate in the program after a reasonable waiting period
42 unless such visitor has been convicted of a crime related to such visi-
43 tor's participation in the program.

44 4. Incarcerated individuals who pose a current danger to themselves or
45 others may be denied family reunion program visitation. Such denial must
46 be made on a case-by-case basis at the time visitation is sought and
47 shall be made in writing, with a copy to the incarcerated individual and
48 to the proposed visitor. When such danger has passed, the incarcerated
49 individual shall again be eligible for participation in the program
50 unless such incarcerated individual has failed to maintain a good disci-
51 plinary record or to comply with the department's program requirements.
52 Incarcerated individuals who test positive for human immunodeficiency
53 virus or hepatitis B or C, may participate in the program with informed
54 consent of the visitor or visitors.

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