

STATE OF NEW YORK

6463

2025-2026 Regular Sessions

IN SENATE

March 14, 2025

Introduced by Sen. CLEARE -- 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 authorizing the transfer of pregnant and postpartum incarcerated individuals to residential treatment facilities

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 72-d
2 to read as follows:

3 § 72-d. Pregnant and postpartum incarcerated individuals. 1. The
4 commissioner may authorize the transfer to a residential treatment
5 facility established under section seventy-three of this article:

6 (a) for up to one year of postpartum, an incarcerated individual who
7 gave birth within eight months of the date of commitment to a correc-
8 tional facility; and

9 (b) for the duration of the pregnancy and up to one year postpartum,
10 an incarcerated individual who is pregnant.

11 2. The commissioner may conditionally transfer an incarcerated indi-
12 vidual under subdivision one of this section to a residential treatment
13 facility for the purpose of participation in prenatal or postnatal care
14 programming and to promote bonding between the child and birthing parent
15 in addition to other programming as established by the commissioner,
16 including but not limited to evidence-based parenting skills program-
17 ming; working at paid employment; seeking employment; or participating
18 in vocational training, an education program, or chemical dependency or
19 mental health treatment services.

20 3. The commissioner shall develop policy and criteria and promulgate
21 any rules and/or regulations necessary to implement this section accord-
22 ing to public safety and generally accepted correctional practice.

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

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1 4. On or before the first of April each year, the commissioner shall
2 report to the temporary president of the senate and the speaker of the
3 assembly on the number of incarcerated individuals transferred to resi-
4 dential treatment facilities pursuant to this section and the duration
5 of such transfers for the prior calendar year.

6 § 2. Subdivision 1 of section 73 of the correction law, as amended by
7 chapter 322 of the laws of 2021, is amended to read as follows:

8 1. The commissioner may transfer any incarcerated individual of a
9 correctional facility who is eligible for community supervision or who
10 will become eligible for community supervision within six months after
11 the date of transfer [~~ex~~], who has one year or less remaining to be
12 served under [~~his or her~~] such incarcerated individual's sentence, or
13 who is a pregnant or postpartum incarcerated individual authorized under
14 section seventy-two-d of this article to a residential treatment facili-
15 ty and such person may be allowed to go outside the facility during
16 reasonable and necessary hours to engage in any activity reasonably
17 related to [~~his or her~~] such person's rehabilitation and in accordance
18 with the program established for [~~him or her~~] such person. While outside
19 the facility [~~he or she~~] such person shall be at all times in the custo-
20 dy of the department and under its supervision.

21 § 3. This act shall take effect immediately.