

STATE OF NEW YORK

7657

2025-2026 Regular Sessions

IN SENATE

April 25, 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 establishing a bill of rights for family members and visitors 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 138-b
2 to read as follows:

3 § 138-b. Bill of rights for family members and visitors of incarcerated
4 individuals. 1. Family members and visitors of an incarcerated indi-
5 vidual shall be treated with fairness and respect by all staff within
6 the correctional facility.

7 2. Family members and visitors of an incarcerated individual shall not
8 be subjected to any forms of harassment or discrimination solely due to
9 their relation to, or visitation of, an incarcerated individual. This
10 shall be in accordance with state and federal anti-discrimination laws.

11 3. Family members and visitors of an incarcerated individual shall
12 have the right to communicate with such incarcerated individual through
13 phone calls, visitation and letters consistent with existing laws,
14 rules, and regulations. Correctional facilities shall not impose barriers
15 to communication beyond those necessary for safety and security.

16 4. Correctional facilities visitation policies shall be consistent,
17 transparent, and accessible to visitors in writing.

18 5. All reasonable, legal requests by family members and visitors of an
19 incarcerated individual shall be granted by staff unless the request is
20 expressly prohibited by law, rule or regulation.

21 6. When a request of a family member or visitor of an incarcerated
22 individual is denied by staff, the exact reason for the denial must be
23 explained with specific reference to law, rule or regulation. Such

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

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1 explanation shall be made within twenty-four hours following such denial
2 either in writing or orally with documentation.

3 7. Care packages, including food, brought by family members and visi-
4 tors of an incarcerated individual shall be presumed, de facto, to be
5 permissible and every effort should be made to ensure that such packages
6 are delivered to their intended recipient during the underlying visita-
7 tion period, unless a specific security risk is identified and docu-
8 mented.

9 8. Visitation opportunities shall not be cancelled except due to
10 extreme exigent circumstances. In the event that a scheduled visitation
11 is cancelled by the facility less than forty-eight hours in advance,
12 such facility shall reimburse visitors for necessary expenses. Such
13 expenses shall include, but not be limited to, transportation costs,
14 lodging, and meals. Visitors must submit reimbursement details with
15 appropriate documentation.

16 9. The department shall establish an independent office for visitation
17 oversight to monitor implementation of this section, receive complaints,
18 and ensure compliance.

19 10. Any visitor who believes their rights under this section have been
20 violated may file a complaint through the visitation oversight office
21 established pursuant to subdivision nine of this section, which shall
22 investigate and respond to such complaint within thirty days.

23 11. Facilities found to be in violation of this section shall be
24 required to take corrective action, which may include staff training,
25 disciplinary measures, and/or policy revisions.

26 § 2. This act shall take effect on the ninetieth day after it shall
27 have become a law.