



Legislation Text

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Int. No. 1541-A

By Council Members Gibson, Crowley, The Speaker (Council Member Mark-Viverito), Dromm, Levin, Richards, Lancman, Menchaca, Cohen and Kallos

A Local Law to amend the administrative code of the city of New York, in relation to permitting the delay of the formal admission of inmates to the custody of the department of correction in order to facilitate the posting of bail

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-149 to read as follows:

§ 9-149 Admission delays.

a. In order to facilitate the posting of bail, the department may delay the transportation of an inmate for admission to a housing facility for not less than four and not more than 12 hours following the inmate's arraignment in criminal court if requested by either the department or a not-for-profit corporation under contract with the city to provide pretrial and other criminal justice services, including interviewing adult defendants either before or after such persons are arraigned on criminal charges, has made direct contact with a person who reports that he or she will post bail for the inmate.

b. Such delay is not permissible for any inmate who:

1. Appears or claims to have a health or mental health condition that requires attention during the time period of such delay, notwithstanding the requirements of title 8 of this code;

2. Appears to be physically incapacitated due to drug or alcohol intoxication;

3. Requests medical attention or appears to require immediate medical attention;

4. Has bail set in an amount of 10,000 dollars or more; or

5. States, upon being informed of the delay permissible pursuant to this section, that he or she will not be able to post bail within 12 hours or otherwise indicates that they do not wish to be subject to such delay.

c. This section does not require the department to exceed the lawful capacity of any structure or unit, or require the department to detain inmates in courthouse facilities during such times as correctional staff are not regularly scheduled to detain inmates provided that the department must provide for the regular staffing of courthouse facilities for at least one hour after the last inmate was taken into custody on bail.

d. Beginning July 1, 2018, the department or its designee shall submit to the council an annual report regarding the implementation of subdivisions a and b of this section. Such report shall include the following information:

1. The locations in which the department has implemented the provisions of this section;

2. In such locations, the number of inmates whose admission to a housing facility was delayed pursuant to this section;

3. The number and percentage of such inmates who posted bail during such delay and the number and percentage of such inmates who posted bail during the two calendar days following such inmates' arraignment; and

4. The number of inmates whose admission to a housing facility was delayed and who required medical treatment during such period of delay.

§ 2. This local law takes effect 60 days after it becomes law, except that subdivision d of section 9-149, as added by section 1 of this local law, shall expire and be deemed repealed on June 30, 2022, provided that the commissioner of correction provides written notice to the council in the first six months of the year 2022 that this local law will expire without further action by the council. If the commissioner does not provide such notice by June 30, 2022, this local law shall expire and be deemed repealed one year following the date on

which the council receives such notice.

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