



Legislation Text

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Int. No. 88

By Council Member King

A Local Law to amend the administrative code of the city of New York, in relation to requiring notice and review for transferring inmates to facilities outside New York city

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 9-153 to read as follows:

§ 9-153 Transfer of inmates by closed substitute jail order.

a. Definitions. For the purposes of this section, the following terms have the following meanings:

Application. The term “application” means an application by the department for a closed substitute jail order.

Attorney of record. The term “attorney of record” means any attorney that legally represents an inmate on any criminal case that is the basis for such inmate’s incarceration.

Closed substitute jail order. The term “closed substitute jail order” means an order issued by the state commission of correction authorizing the transfer of a specific inmate pursuant to correction law section 504 or any successor provision.

Emergency-related cause. The term “emergency-related cause” means a condition that presents a substantial and imminent risk of serious injury to inmates or staff.

Notice of potential transfer. The term “notice of potential transfer” means a written notification to an inmate informing such inmate of their potential transfer to another correctional facility. Such notification shall include: (i) the full name of the inmate; (ii) the name, address, and contact information of the potential transfer

facility; and (iii) the time and date the notice is issued.

b. Departmental review of closed substitute jail order requests. The department shall maintain formal written procedures for submitting applications consistent with the following provisions:

1. The warden of the facility in which the inmate is confined shall submit a written request for a closed substitute jail order to the chief of the department. Upon such submission, the warden shall immediately provide a notice of potential transfer to the inmate named in such request.

2. The chief of the department shall review such request, and may either approve or deny such request. If the chief of the department denies such request, he or she shall inform the requesting warden of the rationale for not pursuing a closed substitute jail order. If the chief of the department approves such request, he or she shall forward such request to the commissioner.

3. Upon receipt from the chief of the department, the commissioner shall review such request and determine whether to submit an application. If the commissioner elects not to submit an application, he or she shall inform the chief of the department and the requesting warden of the rationale for not submitting such application.

c. Notice to inmate contact. Immediately after receiving a notice of potential transfer, an inmate shall be permitted to notify up to three personal contacts by telephone at no cost to such inmate. Should such inmate lack contact information for a personal contact, the department shall make reasonable efforts to provide such contact information to such inmate.

d. Notice to attorney of record. Within 24 hours of submitting an application, the department shall contact the inmate's attorney of record to notify such attorney of the pending transfer. If such attorney's contact information is not immediately available, the department shall make reasonable efforts to obtain such information.

e. Records. The department of correction shall keep an electronic record of all requests for substitute jail orders submitted by wardens and all applications submitted by the commissioner.

f. Applicability. This section shall not apply to any application due to an emergency-related cause.

§ 2. This local law takes effect 90 days after it becomes law.

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