Legislation Details (With Text)

File #:	Int 0925-2023	**Version:**	*	**Name:**	NYC plumbing code, and the NYC building code, in relation to the terms “inmate,” “prisoner,” and “incarcerated individual” and other similar terminology as used therein.
Type:	Introduction			**Status:**	Filed (End of Session)
				In control:	Committee on Criminal Justice
On agenda:	2/16/2023				
Enactment date:				**Enactment #:**	
Title:	A Local Law to amend the New York city charter, the administrative code of the city of New York, the New York city plumbing code, and the New York city building code, in relation to the terms “inmate,” “prisoner,” and “incarcerated individual” and other similar terminology as used therein				
Sponsors:					
Indexes:					
Attachments:	1. Summary of Int. No. 925, 2. Int. No. 925, 3. February 16, 2023 - Stated Meeting Agenda, 4. Hearing Transcript - Stated Meeting 2-16-23, 5. Minutes of the Stated Meeting - February 16, 2023				

Date	Ver.	Action By	Action	Result
2/16/2023	*	City Council	Introduced by Council	
2/16/2023	*	City Council	Referred to Comm by Council	
12/31/2023	*	City Council	Filed (End of Session)	

Int. No. 925

By Council Members Cabán, Rivera, Hanif, Nurse, Restler, Hudson and Richardson Jordan

A Local Law to amend the New York city charter, the administrative code of the city of New York, the New York city plumbing code, and the New York city building code, in relation to the terms “inmate,” “prisoner,” and “incarcerated individual” and other similar terminology as used therein

Be it enacted by the Council as follows:

Section 1. Declaration of legislative intent and findings. The council finds that it should be the policy of this city to promote the dignified and fair treatment of persons in the criminal justice system and in other institutions of confinement. The council declares that the use of outmoded terms, including “inmate” and “prisoner,” to refer to persons incarcerated or persons in custody in the criminal justice system and other institutions, is dehumanizing and demeaning to such persons, and that such terms should be eliminated from use in local law and replaced with terms that emphasize persons first, and not their circumstances. Through the

elimination and replacement of such terminology, the council does not intend to alter the substantive meaning of the affected provisions of law.

§ 2. Subdivision e of section 13-c of the New York city charter, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

e. Four-year plan. Within one year after the completion of the first biennial report required by subdivision d of this section, and in every fourth calendar year thereafter, the coordinator shall prepare and submit to the mayor and the council a four-year plan for providing reentry services to those city residents who need such services. Such plan may include recommendations for approaches to serving city residents in need of reentry services, including the establishment of an initial point of access for individuals immediately upon their release from the custody of the department of correction in a location adjacent to Rikers Island or to the correctional facility that releases the most [incarcerated individuals] persons incarcerated daily. Such report and plan shall also identify obstacles to making such services available to all those who need them and describe what additional resources would be necessary to do so.

§ 3. Paragraph (8) of subdivision d of section 556 of the New York city charter, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

(8) promote or provide medical and health services for [the incarcerated individuals of] persons incarcerated in prisons maintained and operated by the city;

§ 4. Subdivisions 1 and 5 of section 623 of the New York city charter, as amended by chapter 672 for the year 1963, are amended to read as follows:

1. Charge and management of all institutions of the city, including all hospital wards therein for the care and custody of felons, misdemeanants, all [prisoners] persons under arrest awaiting arraignment who require hospital care, including those requiring psychiatric observation or treatment and violators of ordinances or local laws and for the detention of witnesses who are unable to furnish security for their appearance in criminal proceedings, except such places for the detention of [prisoners or] persons charged with crime as are by law

placed under the charge of some other agency.

5. All authority in relation to the custody and transportation of persons held for any cause in criminal proceedings and all [prisoners] persons under arrest awaiting arraignment who require hospital care, including those requiring psychiatric observation or treatment, in any county within the city.

§ 5. Subdivision 2 of section 623 of the New York city charter, as amended by local law number 102 for the year 1977, is amended to read as follows:

2. Sole power and authority concerning the care, custody and control of all [court pens] secure facilities for the detention of [prisoners] persons incarcerated and persons in custody while in the criminal courts of the city of New York, the family court of the state of New York within the city of New York, the supreme court in the counties of New York, Bronx, Kings, Queens and Richmond and of all vehicles employed in the transportation of [prisoners] persons incarcerated or persons in custody who have been sentenced, are awaiting trial or are held for any other cause.

§ 6. Section 625 of the New York city charter, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 625. Labor of [prisoners] persons incarcerated. Every [incarcerated individual of] person incarcerated by an institution under the authority of the commissioner shall be employed in some form of industry, in farming operations or other employment, and products thereof shall be utilized in the institutions under the commissioner or in any other agency. Those persons held for trial may be employed in the same manner as persons who have been sentenced [prisoners], provided they give their consent in writing. Such [incarcerated individuals or prisoners] persons held for trial may be detailed by the commissioner to perform work or service on the grounds and buildings or on any public improvement under the charge of any other agency.

§ 7. Subdivision f of section 626 of the New York city charter, as amended by local law number 133 for the year 2019, is amended to read as follows:

f. The board shall establish procedures for the hearing of grievances, complaints or requests for

assistance (1) by or on behalf of any person held or confined under the jurisdiction of the department or (2) by any employee of the department. Starting July 1, 2021, the board shall issue a report, at least every three years, on issues related to the department's grievance process. Such report shall incorporate direct feedback from [incarcerated individuals] persons incarcerated and proposed recommendations for relevant improvements, and shall include a section of recommendations on how to improve the grievance process for vulnerable populations, including [incarcerated individuals] persons incarcerated who are lesbian, gay, bisexual, transgender, intersex, and gender nonconforming. Such report shall be submitted to the council and posted on the board's website.

§ 8. Paragraph 8 of subdivision b of section 1054 of the New York city charter, as added by local law number 6 for the year 2019, is amended to read as follows:

8. conduct yearly trainings for all relevant staff of the department of correction. Such training shall include, at minimum, information on voting laws for persons currently and formerly incarcerated [individuals] in the state of New York, voter registration procedures, absentee voting, and determining eligibility to vote.

§ 9. Subdivision 9 of section 1057-a of the New York city charter, as amended by chapter 322 of the laws of 2021, and duplicate subdivision 10 of such section, as added by local law number 6 for the year 2019, are amended to read as follows:

9. In addition to the other requirements of this section, the department of correction shall implement and administer a program of distribution and submission of absentee ballot applications, and subsequently received absentee ballots, for eligible [incarcerated individuals] persons incarcerated in the department's custody. Such department shall offer, to all [incarcerated individuals] persons incarcerated who are registered to vote, absentee ballot applications, and a means to complete them, during the period from sixty days prior to any primary, special, or general election in the city of New York until two weeks prior to any such election. Such department shall subsequently provide any absentee ballot received from the board of elections in response to any such application to the applicable [incarcerated individual] person incarcerated, as well as a means to

complete it. Such department shall provide assistance to any such [incarcerated individual] person incarcerated in filling out such application or ballot upon request. Such department shall, not later than five days after receipt, transmit such completed applications and ballots from any [incarcerated individual] person incarcerated who wishes to have them transmitted to the board of elections for the city of New York. The provisions of this subdivision shall not apply in any specific instance in which the department deems it unsafe to comply therewith.

[10] 11. The department of correction shall, in addition to the other requirements of this section for participating agencies, distribute to every person upon release from custody of the department a written notice on the voting rights of [formerly incarcerated persons] persons formerly incarcerated in the state of New York, including information on when such persons are or may become eligible to vote, and offer to every such person a voter registration form. The department shall make verbal reference to the distributed written notice and voter registration form to such individuals upon distribution. Such notice shall only be required for those who are released from a department facility, from department custody within a courthouse, and from a department-operated area within a hospital or healthcare provider. Notice is not required for those who are released to the custody of another government agency or to the custody of a hospital or healthcare provider. Such written notice shall be developed in consultation with the voter assistance advisory committee.

§ 10. Subdivision 3 of section 5-509 of the administrative code of the city of New York is amended to read as follows:

3. Such sums to any hospitals, charitable, eleemosynary, correctional or reformatory institution, wholly or partly under private control for the care, support and maintenance of [its inmates] persons in the custody of such institutions, and for the care, support, maintenance and secular education of [inmates of] persons in the custody of orphan asylums, protectories, homes for dependent children or correctional institutions and any other sum or sums which may heretofore have been duly authorized by law to be paid within the city of New York or any part thereof for the education and support of the blind, the deaf and dumb and juvenile delinquents

and such sums other than salaries for reimbursement to any duly incorporated charitable institution or society employed by the commissioner of welfare in the placing out, supervision and transfer of children who are public charges; such payments to be made only for such [inmates] persons as are received and retained therein pursuant to rules established by the state board of social welfare. The city may in any year, and from time to time, increase or diminish, the sum authorized to be paid to any such institution, association, corporation or society. The final estimate shall specify each institution by its corporate name and the sum to be paid thereto, with a reference to the laws authorizing the appropriation, and the comptroller is authorized to pay the sum to such institution upon its appearing to his or her satisfaction in such manner as he or she shall prescribe that the expenditure thereof by the institution is lawful and proper. Appropriations shall be made under this section to any corporation only if the mayor, or the president of the borough in which the chief office of such corporation is situated, is notified of all meetings of its board of management, and is empowered to attend the same or designate in writing some person to do so in his or her behalf; but this shall not be construed as impairing any existing powers of visitation vested in the supreme court or the state board of social welfare, or any provisions of law requiring statements by such corporations as to their affairs.

§ 11. Section 7-516 of the administrative code of the city of New York is amended to read as follows:

§ 7-516 Construction clause. Any law, rule, regulation, contract or other document which refers or is applicable to the sheriff of any of the counties in the city shall refer to the office of the city sheriff in such county, except that any provision, in any law, rule, regulation, contract or other document relating to the custody and transportation of [prisoners] persons held for any cause in criminal proceedings in any county within the city, heretofore applicable to any sheriff of any of the counties within the city, shall apply to the department of correction.

§ 12. Subdivision (a) of section 7-703 of the administrative code of the city of New York is amended to read as follows:

(a) Any building, erection or place, including one- or two-family dwellings, used for the purpose of

prostitution as defined in section 230.00 of the penal law. Two or more criminal convictions of persons for acts of prostitution in the building, erection or place, including one- or two-family dwellings, within the one-year period preceding the commencement of an action under this chapter, shall be presumptive evidence that the building, erection or place, including one- or two-family dwellings, is a public nuisance. In any action under this subdivision, evidence of the common fame and general reputation of the building, erection or place, including one- or two-family dwellings, of the [inmates or] occupants thereof, or of those resorting thereto, shall be competent evidence to prove the existence of the public nuisance. If evidence of the general reputation of the building, erection or place, including one- or two-family dwellings, or of the [inmates or] occupants thereof, is sufficient to establish the existence of the public nuisance, it shall be prima facie evidence of knowledge thereof and acquiescence and participation therein and responsibility for the nuisance, on the part of the owners, lessors, lessees and all those in possession of or having charge of, as agent or otherwise, or having any interest in any form in the property, real or personal, used in conducting or maintaining the public nuisance;

§ 13. Section 9-101 of the administrative code of the city of New York is amended to read as follows:

§ 9-101 City correctional institutions. The commissioner of correction may designate any institution or part thereof under the jurisdiction of the commissioner for the safekeeping of persons committed to the department of correction. The commissioner may also designate any institution or part thereof under his or her jurisdiction for the safekeeping of <u>such</u> female [prisoners] <u>persons</u> only. Officers charged with the transportation of persons committed to the department of correction shall deliver them to the institution or part thereof as may be directed by the commissioner.

§ 14. Section 9-104 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-104 Transfer of [incarcerated individuals] <u>persons incarcerated</u> by commissioner of correction. The commissioner of correction shall have power to transfer [prisoners] <u>persons incarcerated</u> from any prison or correctional institution under [his or her] <u>the commissioner's</u> control to any other prison or correctional

institution under the jurisdiction of the department.

§ 15. Section 9-107 of the administrative code of the city of New York, as amended by local law number 43 for the year 2019, is amended to read as follows:

§ 9-107 Narcotics treatment program. a. Correctional health services, or any entity with which the department of correction or the department of health and mental hygiene contracts to provide healthcare for [incarcerated individuals] persons incarcerated by the department of correction, shall establish a program for the treatment of substance abuse through the use of medication assisted treatment, including the administration of methadone, buprenorphine, and naltrexone. The program shall be available on a voluntary basis only to such [incarcerated individuals] persons incarcerated as apply, subject to a medical evaluation, before acceptance, of their need for such treatment.

b. The commissioner of correction shall ensure that any housing unit in which transgender, intersex, non-binary, or gender non-conforming [individuals] persons are housed has access to the same substance abuse treatment as other [incarcerated individuals] persons incarcerated. Such treatment shall only be given voluntarily and based on the exercise of professional medical judgment of a medical provider following consultation between such medical provider and the [incarcerated] person receiving treatment.

§ 16. Subdivisions a and b of section 9-108 of the administrative code of the city of New York, as added by local law number 131 for the year 2019, are amended to read as follows:

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

Clinic production. The term “clinic production” means the department's process by which [an incarcerated individual] a person incarcerated is escorted for a medical appointment.

Correctional health services. The term “correctional health services” means any health care entity designated by the city of New York as the agency or agencies responsible for health services for [incarcerated individuals] persons in the care and custody of the department. When the responsibility is contractually shared with an outside provider this term shall also apply.

Department. The term “department” means the department of correction.

Health care professional. The term “health care professional” means a person who meets qualifications stipulated by their profession and who possesses all credentials and licenses required by New York state law.

Medical appointment. The term “medical appointment” means any patient encounter requested by correctional health services.

Non-production. The term “non-production” means an instance where [an incarcerated individual] a person incarcerated by the department is not escorted for a medical appointment requested by correctional health services.

Production refusal. The term “production refusal” means a refusal by [an incarcerated individual] a person incarcerated by the department to allow the department to produce such [incarcerated individual] person to clinic for a medical appointment. Nothing in this definition, or in this section, is intended to contradict rules governing treatment set forth in chapter 3 of title 40 of the rules of the city of New York.

Sick call. The term “sick call” means the department's process by which [an incarcerated individual] a person incarcerated requests to be seen by a health care professional for the purpose of assessing or treating such [incarcerated individual's] person’s non-emergency medical complaint.

Walk-out. The term “walk-out” means an instance when [an incarcerated individual] a person incarcerated leaves clinic without being seen by a health care professional for a medical appointment.

b. The department shall retain all documents containing data relating to sick call and clinical production, including handwritten sign-up sheets, for at least three years from the time [an incarcerated individual] a person incarcerated is released from custody of the department, and provide such documents to the board of correction upon request.

§ 17. Section 9-109 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-109 Classification. The commissioner of correction shall so far as practicable classify all felons,

misdemeanants and violators of local laws under the commissioner's charge, so that the youthful or less hardened offenders shall be segregated from the older or more hardened offenders. The commissioner of correction may set apart one or more of the penal institutions for the custody of such youthful or less hardened offenders, and he or she is empowered to transfer such offenders thereto from any penal institution of the city. The commissioner of correction is empowered to classify the transferred [incarcerated individuals] persons incarcerated, so far as practicable, with regard to age, nature of offense, or other fact, and to separate or group such offenders according to such classification.

§ 18. Section 9-110 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-110 Education and programming. The commissioner of correction may establish and maintain schools or classes for the instruction and training of [the incarcerated individuals] persons incarcerated by any institution under the commissioner's charge, and shall offer to all [incarcerated individuals] persons incarcerated for more than 10 days a minimum of five hours per day of [incarcerated individuals] programming or education, excluding weekends and holidays. Such programming or education may be provided by the department or by another provider, and need not be offered to [incarcerated individuals] persons in punitive segregation, or to [incarcerated individuals] persons who may be ineligible or unavailable for such programming or education, or where offering such programming or education would not be consistent with the safety of the [incarcerated individual] person incarcerated, staff or facility. Nothing in this section shall prohibit the department from offering such programming or education on the basis of incentive-based criteria developed by the department. For the purposes of this section, the term "[incarcerated individual] programming" has the same meaning as in section 9-144.

§ 19. Subdivision a of section 9-111 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

a. The commissioner of correction is empowered to set aside in the city prison a sufficient space for the

purposes of installing a library for [the incarcerated individuals] persons incarcerated. The commissioner of correction may do likewise in any other place in which persons are held for infractions of the law pending a determination by a court.

§ 20. Section 9-114 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-114 Discipline of [incarcerated individuals] persons incarcerated. a. Officers in any institution in the department of correction shall use all suitable means to defend themselves, to enforce discipline, and to secure the persons [of incarcerated individuals] incarcerated who shall:

1. Neglect or refuse to perform the work assigned by the officer in charge of the institution.

2. Wilfully violate the rules and regulations established by the commissioner of correction.

3. Resist or disobey any lawful command.

4. Offer violence to any officer or to any other [prisoner] person incarcerated.

5. Injure or attempt to injure any such institution or the appurtenances thereof or any property therein.

6. Attempt to escape.

7. Combine with any one or more persons for any of the aforesaid purposes.

b. The officers in any institution of the department of correction shall not inflict any blows upon a [prisoner] person incarcerated except in self-defense or to suppress a revolt or insurrection.

§ 21. Section 9-115 of the administrative code of the city of New York is amended to read as follows:

§ 9-115 Correction officers (women) in prisons for women. a. Women correction officers shall have charge of and shall supervise all female [prisoners] persons incarcerated and all parts of prisons occupied by such [prisoners] persons, or such parts thereof as the officer in command shall designate to be under their supervision. At least one woman correction officer shall be on duty in each prison as long as any female [prisoner] person incarcerated is detained therein.

b. Women correction officers shall search all women visiting any part of such prisons, except as

otherwise ordered by the commissioner. Only women correction officers shall be admitted to the corridor or cells of the female [prisoners] persons incarcerated without the consent of the officer in charge of the prison.

§ 22. Subdivision c of section 9-116 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

c. 1. Tours of duty shall commence at midnight, eight o'clock ante meridian and four o'clock post meridian of each consecutive twenty-four hours. Such tours of duty shall hereinafter be designated as normal tours of duty. At the discretion of the warden or other officer or officers in charge of an institution, other tours of duty may be created. Such tours of duty shall hereinafter be designated as miscellaneous tours of duty.

2. Within each complete working cycle at each institution, every custodial officer in the same employee classification shall be assigned to the same number of each of the normal tours of duty. For the purpose of such assignment of normal tours of duty as hereinbefore prescribed, miscellaneous tours of duty which commence at or after seven o'clock ante meridian and at or before eleven o'clock ante meridian shall be considered to be a part of that normal tour of duty which commences at eight o'clock ante meridian; miscellaneous tours of duty which commence after eleven o'clock ante meridian and before eight o'clock post meridian shall be considered to be a part of that normal tour of duty which commences at four o'clock post meridian; miscellaneous tours of duty which commence at or after eight o'clock post meridian and before seven o'clock ante meridian shall be considered to be a part of that normal tour of duty which commences at midnight.

3. All normal tours of duty which commence at midnight or at four o'clock post meridian, and all miscellaneous tours of duty which shall be considered a part of these normal tours of duty as hereinbefore prescribed, shall be changed at least once in every calendar month.

4. Every member of each platoon shall be entitled to at least one calendar day of rest upon the completion of every six tours of duty. This day of rest shall not be deferred longer than one calendar week after such member has become entitled thereto.

5. None of the foregoing provisions of this section shall apply to or govern the rotation of tours of duty

of custodial officers who may be detailed or assigned to an institution wherein no [incarcerated individuals] persons incarcerated or persons in custody are detained overnight. Where in any single institution the total number of custodial officers in any single employee classification is less than four in number, none of the foregoing provisions of this section shall apply to or govern the rotation of tours of duty of members of such employee classification in said institution. None of the foregoing provisions of this section shall apply to or govern the rotation of tours of duty of custodial officers who may be detailed or assigned to what shall hereinafter be known and designated as the special duty squad at each institution, provided, however, that the number of custodial officers detailed or assigned to a special duty squad at any single institution may not exceed twenty-five per centum of the total number of custodial officers employed at the said institution; provided, however, that custodial officers detailed or assigned to special duty squads may be assigned only to that normal tour of duty commencing at eight o'clock ante meridian, or to miscellaneous tours of duty constituting a part of such normal tour of duty; and provided further, however, that throughout the department of correction the total number of custodial officers detailed or assigned to steady tours of duty, whether as members of special duty squads or otherwise, shall not exceed fifteen per centum of the total number of custodial officers employed in the department of correction. None of the foregoing provisions of this subdivision shall apply to or govern the rotation of tours of duty of custodial officers who may be detailed or assigned to steady tours of duty for reasons of management efficiency, which reasons shall presumptively include the subdivision of a facility and/or unit into smaller units of management.

§ 23. Paragraph 3 of subdivision b of section 9-117 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

3. Nothing in this subdivision shall limit in any way persons who are or will be employed by or under contract with the department of correction from maintaining incidental supervision and custody of [an incarcerated individual] a person incarcerated, where the primary duties and responsibilities of such employed persons and contractors consist of administering or providing programs and services to persons detained or

confined in any of its facilities; nor shall anything in this subdivision be construed to limit or affect the existing authority of the mayor and commissioner to appoint non-uniformed persons, whose duties include overall security of the department of correction, to positions of authority.

§ 24. Subdivisions a and c of section 9-118 of the administrative code of the city of New York are amended to read as follows:

a. The commissioner of correction may establish a commissary in any institution under the commissioner's jurisdiction for the use and benefit of [the incarcerated individuals] persons incarcerated and employees [thereof]. All moneys received from the sales of such commissaries shall be paid over semi-monthly to the commissioner of finance without deduction. Except as otherwise provided in this subdivision, the provisions of section 12-114 of the code shall apply to every officer or employee who receives such moneys in the performance of his or her duties in any such commissary. The accounts of the commissaries shall be subject to supervision, examination and audit by the comptroller and all other powers of the comptroller in accordance with the provisions of the charter and code.

c. Any surplus remaining in the commissary fund after deducting all items described in subdivision b hereof shall be used for the general welfare of [the incarcerated individuals] persons incarcerated of the institutions under the jurisdiction of the department of correction. In the event such fund at any time exceeds one hundred thousand dollars, the excess shall be transferred to the general fund.

§ 25. Section 9-121 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-121 Records of [incarcerated individuals of] persons incarcerated by institutions. The commissioner of correction shall keep and preserve a proper record of all persons who shall come under the commissioner's care or custody, and of the disposition of each, with full particulars as to the name, age, sex, color, nativity and religious faith, together with a statement of the cause and length of detention. Except as otherwise provided by law, the records kept pursuant to this section shall be public and shall be open to public inspection.

§ 26. Section 9-122 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-122 Labor in other agencies of [prisoners in other agencies] persons incarcerated; correction officers. A correction officer or correction officers from the department of correction shall at all times direct and guard all [incarcerated individuals] persons incarcerated of any of the institutions in the department of correction who are performing work for any other agency.

§ 27. Subdivision a of section 9-125 of the administrative code of the city of New York is amended to read as follows:

a. The commissioner of correction shall have custody of [civil prisoners] persons incarcerated for civil offenses and the prisons [wherein] in which they are confined.

§ 28. Section 9-126 of the administrative code of the city of New York is amended to read as follows:

§ 9-126 Jurisdiction of commissioner of correction [over]; civil [prisoners] offenses. Any part of the institutions under the jurisdiction of the commissioner of correction which shall be set aside for the accommodation of [prisoners] persons detained by civil process shall be under the control of such commissioner of correction.

§ 29. Subdivision b of section 9-127 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

b. The department of correction shall collect, from any sentenced [incarcerated individual] person who will serve, after sentencing, ten days or more in any city correctional institution, information relating to such [incarcerated individual's] person's housing, employment and sobriety needs. The department of correction shall, with the consent of such [incarcerated individual] person, provide such information to any social service organization that is providing discharge planning services to such [incarcerated individual] person under contract with the department of correction. For the purposes of this section and sections 9-128 and 9-129 of this title, "discharge planning" shall mean the creation of a plan for post-release services and assistance with access

to community-based resources and government benefits designed to promote [an incarcerated individual's] the successful reintegration into the community of persons formerly incarcerated.

§ 30. Section 9-127.1 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

a. As used in this section, the following terms have the following meanings:

Discharge plan. The term "discharge plan" means a plan describing the manner in which an eligible [incarcerated individual] person will be able to receive re-entry services upon release from the custody of the department to the community. A discharge plan shall, to the extent practicable, be designed to address the unique needs of each eligible [incarcerated individual] person, including but not limited to [the incarcerated individual's] such person's geographic location upon release from the custody of the department, specific social service needs if applicable, prior criminal history, and employment needs.

Eligible [incarcerated individual] person. The term "eligible [incarcerated individual] person" means a person who served a sentence of 30 days or more in the custody of the department, and who is being released from the custody of the department to the community.

Re-entry services. The term "re-entry services" means appropriate programming and support planning offered to [an incarcerated individual] a person upon release from the custody of the department to the community, as well as follow-up support offered to [the incarcerated individual] such person after [his or her] release. Such programming, support planning, and follow-up support shall include case management and connections to employment, and other social services that may be available to such [incarcerated individual] person upon [his or her] release.

b. Prior to the release of an eligible [incarcerated individual] person from the custody of the department, a designee of the department shall to the extent practicable develop and offer to such [incarcerated individual] person a discharge plan. Discharge plans developed pursuant to this section shall not be required when, upon release from the custody of the department, [an incarcerated individual] a person is transferred to the custody of

another government agency or to the custody of a hospital or healthcare provider, or where a discharge plan is otherwise required by law.

§ 31. Subdivisions a and b of section 9-128 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, are amended to read as follows:

a. The department of correction shall make applications for government benefits available to [incarcerated individuals] persons incarcerated and persons in custody by providing such applications in areas accessible to [incarcerated individuals] such persons in city correctional institutions.

b. The department of correction shall provide assistance with the preparation of applications for government benefits and identification to sentenced [incarcerated individuals] persons who will serve, after sentencing, thirty days or more in any city correctional institution and who receive discharge planning services from the department of correction or any social services organization under contract with the department of correction, and, in its discretion, to any other [incarcerated individual] person incarcerated who may benefit from such assistance.

§ 32. Section 9-129 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-129 Reporting. The commissioner of correction shall submit a report to the mayor and the council by October first of each year regarding implementation of sections 9-127 and 9-128 of this title and other discharge planning efforts, and, beginning October first, two thousand eight and annually thereafter, regarding recidivism among [incarcerated individuals] persons receiving discharge planning services from the department of correction or any social services organization under contract with the department of correction.

§ 33. Section 9-130 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

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

Adolescent. The term “adolescent” means [an incarcerated individual] a person incarcerated who is 16

or 17 years of age.

Adult. The term “adult” means [an incarcerated individual] a person incarcerated who is 22 years of age or older.

Assault. The term “assault” means any action taken with intent to cause physical injury to another person.

Department. The term “department” means the [New York city] department of correction.

Hospital. The term “hospital” includes any hospital setting, whether a hospital outside of the department’s jurisdiction or a correction unit operated by the department within a hospital.

Serious injury. The term “serious injury” means a physical injury that (i) creates a substantial risk of death or disfigurement; (ii) is a loss or impairment of a bodily organ; (iii) is a fracture or break to a bone other than fingers and toes; or (iv) is an injury defined as serious by a physician.

Sexual abuse. The term "sexual abuse" has the same meaning as set forth in 28 CFR § 115.6, or successor regulation, promulgated pursuant to the federal prison rape elimination act of 2003.

Staff. The term "staff" means anyone other than [an incarcerated individual] a person incarcerated who works at a facility operated by the department.

Young adult. The term "young adult" means [an incarcerated individual] a person incarcerated who is 18 to 21 years of age.

Use of force A. The term "use of force A" means a use of force by staff on [an incarcerated individual] a person incarcerated resulting in an injury that requires medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including those uses of force resulting in one or more of the following: (i) multiple abrasions and/or contusions; (ii) chipped or cracked tooth; (iii) loss of tooth; (iv) laceration; (v) puncture; (vi) fracture; (vii) loss of consciousness, including a concussion; (viii) suture; (ix) internal injuries, including but not limited to ruptured spleen or perforated eardrum; or (x) admission to a hospital.

Use of force B. The term "use of force B" means a use of force by staff on [an incarcerated individual] a person incarcerated which does not require hospitalization or medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including the following: (i) a use of force resulting in a superficial bruise, scrape, scratch, or minor swelling; and (ii) the forcible use of mechanical restraints in a confrontational situation that results in no or minor injury.

Use of force C. The term "use of force C" means a use of force by staff on [an incarcerated individual] a person incarcerated resulting in no injury to staff or [incarcerated individual] a person incarcerated, including an incident where the use of oleoresin capsicum spray results in no injury, beyond irritation that can be addressed through decontamination.

b. No later than 20 days after the end of each month, the department shall post on its website a report containing the following information for the prior month, in total and by indicating the rate per 100 [incarcerated individuals in the custody of] persons incarcerated by the department during such prior month:

1. fight infractions written against [incarcerated individuals] persons incarcerated;

2. assaults on [incarcerated individuals] persons incarcerated committed by [incarcerated individuals] other persons incarcerated involving stabbings, shootings or slashings;

3. assaults on [incarcerated individuals] persons incarcerated committed by [incarcerated individuals] other persons incarcerated in which [an incarcerated individual] a person incarcerated suffered a serious injury, excluding assaults involving stabbings, shootings or slashings;

4. actual incidents of use of force A;

5. actual incidents of use of force B;

6. actual incidents of use of force C;

7. assaults on staff by [incarcerated individuals] persons incarcerated in which staff suffered serious injury.

c. No later than 45 days after the end of each quarter ending March 31, June 30, September 30 and

December 31, the department shall post on its website a report containing the following information for the prior quarter, in total and by indicating the rate per 100 [incarcerated individuals in the custody of] persons incarcerated by the department during such prior quarter. Such report shall also disaggregate the following information by listing adults, young adults, and adolescent [incarcerated individuals] persons incarcerated separately:

1. fight infractions written against [incarcerated individuals] persons incarcerated;

2. assaults on [incarcerated individuals] persons incarcerated committed by [incarcerated individuals] other persons incarcerated in which [an incarcerated individual] a person incarcerated suffered a serious injury, excluding assaults involving stabbings, shootings or slashings;

3. assaults on [incarcerated individuals] persons incarcerated committed by [incarcerated individuals] other persons incarcerated involving stabbings;

4. assaults on [incarcerated individuals] persons incarcerated committed by [incarcerated individuals] other persons incarcerated involving shootings;

5. assaults on [incarcerated individuals] persons incarcerated committed by [incarcerated individuals] other persons incarcerated involving slashings;

6. total number of assaults on [incarcerated individuals] persons incarcerated committed by [incarcerated individuals] other persons incarcerated involving stabbings, shootings or slashings;

7. total number of assaults on [incarcerated individuals] persons incarcerated committed by [incarcerated individuals] other persons incarcerated involving stabbings, shootings or slashings in which [an incarcerated individual] a person incarcerated suffered a serious injury;

8. assaults on [incarcerated individuals] persons incarcerated committed by [incarcerated individuals] other persons incarcerated in which [an incarcerated individual] a person incarcerated was admitted to a hospital as a result;

9. homicides [of incarcerated individuals] committed against persons incarcerated committed by

[incarcerated individuals] other persons incarcerated;

10. attempted suicides by [incarcerated individuals] persons incarcerated;

11. suicides by [incarcerated individuals] persons incarcerated;

12. assaults on staff by [incarcerated individuals] persons incarcerated;

13. assaults on staff by [incarcerated individuals] persons incarcerated in which staff suffered serious injury;

14. assaults on staff by [incarcerated individuals] persons incarcerated in which the staff was transported to a hospital as a result;

15. incidents in which [an incarcerated individual] a person incarcerated splashed staff;

16. allegations of use of force A;

17. actual incidents of use of force A;

18. [incarcerated individual] hospitalization of a person incarcerated as a result of use of force A;

19. allegations of use of force B;

20. actual incidents of use of force B;

21. allegations of use of force C;

22. actual incidents of use of force C;

23. incidents of use of force C in which chemical agents were used;

24. incidents of use of force in which staff uses any device capable of administering an electric shock.

d. Beginning July 1, 2016 and every July first thereafter, the department shall post on its website a report for the prior calendar year containing information pertaining to (1) allegations of sexual abuse of [an incarcerated individual] a person incarcerated committed by [an incarcerated individual] another person incarcerated; (2) substantiated incidents of sexual abuse of [an incarcerated individual] a person incarcerated committed by [an incarcerated individual] another person incarcerated; (3) allegations of sexual abuse of [an incarcerated individual] a person incarcerated committed by staff; and (4) substantiated incidents of sexual

abuse of [an incarcerated individual] a person incarcerated committed by staff.

e. The information in subdivisions b, c and d of this section shall be compared to previous reporting periods, and shall be permanently stored on the department's website.

§ 34. Section 9-134 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-134 Jail segregated housing statistics. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Department. The term "department" means the [New York city] department of correction.

[Incarcerated individual recreation day. The term "incarcerated individual recreation day" means one day per each individual for every day in punitive segregation during each quarter.

Incarcerated individual shower day. The term "incarcerated individual shower day" means one day per each individual for every day in punitive segregation during each quarter.]

Mental health unit ("MHU"). The term "mental health unit" ("MHU") means any separate housing area staffed by mental health clinicians where [incarcerated individuals] persons incarcerated or persons in custody with mental illness who have been found guilty of violating department rules are housed, including but not limited to restricted housing units and clinical alternative to punitive segregation units.

Recreation day. The term “recreation day” means one day per each individual for every day in punitive segregation during each quarter.

Segregated housing unit. The term "segregated housing unit" means any city jail housing units in which [incarcerated individuals] persons incarcerated are regularly restricted to their cells more than the maximum number of hours as set forth in subdivision (b) of section 1-05 of chapter 1 of title 40 of the rules of the city of New York, or any successor rule establishing such maximum number of hours for the general population of [incarcerated individuals] persons incarcerated in city jails. Segregated housing units do not include mental health units. Segregated housing units include, but are not limited to, punitive segregation housing and

enhanced supervision housing.

Serious injury. The term "serious injury" means a physical injury that includes: (i) a substantial risk of death or disfigurement; (ii) loss or impairment of a bodily organ; (iii) a fracture or break to a bone, excluding fingers and toes; (iv) an injury defined as serious by a physician; and (v) any additional serious injury as defined by the department.

Shower day. The term “shower day” means one day per each individual for every day in punitive segregation during each quarter.

Staff. The term "staff" means anyone, other than [an incarcerated individual] a person incarcerated, working at a facility operated by the department.

Use of force. The term "use of force" means an instance where staff used their hands or other parts of their body, objects, instruments, chemical agents, electric devices, firearm, or any other physical method to restrain, subdue, or compel [an incarcerated individual] a person incarcerated to act in a particular way, or stop acting in a particular way. This term [shall] does not include moving, escorting, transporting, or applying restraints to a compliant [incarcerated individual] person incarcerated.

Use of force A. The term "use of force A" means a use of force resulting in an injury that requires medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including, but not limited to: (i) multiple abrasions and/or contusions; (ii) chipped or cracked tooth; (iii) loss of tooth; (iv) laceration; (v) puncture; (vi) fracture; (vii) loss of consciousness, including a concussion; (viii) suture; (ix) internal injuries, including but not limited to ruptured spleen or perforated eardrum; or (x) admission to a hospital.

Use of force B. The term "use of force B" means a use of force resulting in an injury that does not require hospitalization or medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid.

Use of force C. The term "use of force C" means a use of force resulting in no injury to staff or

[incarcerated individuals] persons incarcerated.

b. For the quarter beginning October first, two thousand fourteen, commencing on or before January twentieth, two thousand fifteen, and on or before the twentieth day of each quarter thereafter, the commissioner of correction shall post a report on the department website containing information relating to the use of segregated housing units and MHU in city jails for the previous quarter. Such quarterly report shall include separate indicators, disaggregated by facility and housing category for the total number of [incarcerated individuals] persons incarcerated housed in segregated housing units and MHU. Such quarterly report shall also include the following information regarding the segregated housing unit and MHU population: (i) the number of [incarcerated individuals] persons incarcerated in each security risk group as defined by the department's classification system directive, (ii) the number of [incarcerated individuals] persons incarcerated subject to enhanced restraints, including but not limited to, shackles, waist chains and hand mittens, (iii) the number of [incarcerated individuals] persons incarcerated sent to segregated housing units and MHU during the period, (iv) the number of [incarcerated individuals] persons incarcerated sent to segregated housing units and MHU from mental observation housing areas, (v) the number of [incarcerated individuals] persons incarcerated, by highest infraction offense grade as classified by the department, (grade one, two, or three), (vi) the number of [incarcerated individuals] persons incarcerated serving punitive segregation in the following specified ranges: less than ten days, ten to thirty days, thirty-one to ninety days, ninety-one to one hundred eighty days, one hundred eighty-one to three hundred sixty-five days, and more than three hundred sixty-five days, (vii) the number of [incarcerated individuals] persons incarcerated receiving mental health services, (viii) the number of [incarcerated individuals] persons incarcerated twenty-one years of age and under, (ix) the number of [incarcerated individuals] persons incarcerated over twenty-one years of age in ten-year intervals, (x) the race and gender of [incarcerated individuals] persons incarcerated, (xi) the number of [incarcerated individuals] persons incarcerated who received infractions while in segregated housing units or MHU, (xii) the number of [incarcerated individuals] persons incarcerated who received infractions that led to the imposition of additional

punitive segregation time, (xiii) the number of [incarcerated individuals] persons incarcerated who committed suicide, (xiv) the number of [incarcerated individuals] persons incarcerated who attempted suicide, (xv) the number of [incarcerated individuals] persons incarcerated on suicide watch, (xvi) the number of [incarcerated individuals] persons incarcerated who caused injury to themselves (excluding suicide attempt), (xvii) the number of [incarcerated individuals] persons incarcerated seriously injured while in segregated housing units or MHU, (xviii) the number of [incarcerated individuals] persons incarcerated who were sent to non-psychiatric hospitals outside the city jails, (xix) the number of [incarcerated individuals] persons incarcerated who died (non-suicide), (xx) the number of [incarcerated individuals] persons incarcerated transferred to a psychiatric hospital from segregated housing units, (xxi) the number of [incarcerated individuals] persons incarcerated transferred to a psychiatric hospital from MHU, disaggregated by program, (xxii) the number of [incarcerated individuals] persons incarcerated moved from general punitive segregation to MHU, disaggregated by program, (xxiii) the number of [incarcerated individuals] persons incarcerated placed into MHU following a disciplinary hearing, disaggregated by program, (xxiv) the number of [incarcerated individuals] persons incarcerated moved from MHU to a segregated housing unit, disaggregated by segregated housing unit type, (xxv) the number of [incarcerated individuals] persons incarcerated prescribed anti-psychotic medications, mood stabilizers or anti-anxiety medications, disaggregated by the type of medication, (xxvi) the number of requests made by [incarcerated individuals] persons incarcerated for medical or mental health treatment and the number granted, (xxvii) the number of requests made by [incarcerated individuals] persons incarcerated to attend congregate religious services and the number granted, (xxviii) the number of requests made by [incarcerated individuals] persons incarcerated for assistance from the law library and the number granted, (xxix) the number of requests made by [incarcerated individuals] persons incarcerated to make telephone calls and the number granted, disaggregated by weekly personal calls and other permissible daily calls, (xxx) the number of [incarcerated individual] recreation days and the number of recreation hours attended, (xxxi) the number of individual recreation hours that were offered [to incarcerated individuals] prior to [six] 6:00 a.m., (xxxii) the number of

[incarcerated individual] shower days and the number of showers taken, (xxxiii) the number of [incarcerated individuals] persons incarcerated who received visits, (xxxiv) the number of instances of allegations of use of force, (xxxv) the number of instances of use of force A, (xxxvi) the number of instances of use of force B, (xxxvii) the number of instances of use of force C, (xxxviii) the number of instances in which contraband was found, (xxxix) the number of instances of allegations of [staff on incarcerated individual] sexual assault by a staff member on a person incarcerated, (xl) the number of instances of substantiated [staff on incarcerated individual] sexual assault by a staff member on a person incarcerated, (xli) the number of instances of allegations of [incarcerated individual on staff] sexual assault by a person incarcerated on a staff member, and (xlii) the number of instances of substantiated [incarcerated individual on staff] sexual assault by a person incarcerated on a staff member.

§ 35. Section 9-136 of the administrative code of the city of New York, as amended by local law number 134 for the year 2019, subdivision e of such section, as added by local law number 135 for the year 2019, and subdivision g of such section, as amended by local law number 194 for the year 2019, are amended to read as follows:

§ 9-136 Grievance process. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Appeal. The term "appeal" means the action taken when [an incarcerated individual's] a grievance is escalated to a higher level within the grievance process to review decisions regarding resolutions of grievances by [incarcerated individuals] persons incarcerated.

Grievable complaint. The term "grievable complaint" means a complaint handled by the office of constituent and grievance services. The term includes but is not limited to a complaint regarding classification, clothing, commissary, correspondence, employment, environmental, food, [inmate] personal account, housing, length of sentence, laundry, law library, medical, mental health, personal hygiene, phone, programs, property, recreation, religion, rules and regulations, school, search, social service, transportation, and visits.

Non-grievable complaint. The term "non-grievable complaint" means any complaint which is not handled by the office of constituent and grievance services, including but not limited to a complaint regarding an allegation of assault, sexual assault/abuse, and verbal misconduct from a staff member; an allegation of assault, sexual assault/abuse, and non-sexual harassment from another [incarcerated individual] person incarcerated; individual security status; medical and mental health staff; request for accommodation due to a disability or claim of discrimination based on disability or perceived disability; request for protective custody; freedom of information laws, housing, and the grievance process.

Office of constituent and grievance services. The "office of constituent and grievance services" means the unit within the department that facilitates a formal process established by the department that provides [incarcerated individuals] persons incarcerated with the opportunity to resolve grievable complaints regarding their confinement.

b. Forty-five days after the quarter beginning January 1, 2016, and no later than the forty-fifth day after the end of each subsequent quarter, the commissioner shall post on the department website a report containing the following information for the preceding quarter, in addition to all information in paragraphs 1 through 5 of section d in the aggregate

1. The number of grievable and non-grievable complaints submitted in all departmental facilities, in total and disaggregated by the facility and housing area type in which such grievance was submitted.

2. The number of grievable and non-grievable complaints submitted in all departmental facilities, disaggregated by grievance category, by the facility and housing area type in which such grievance was submitted, and by the method by which such grievance was submitted.

3. The number of grievable complaints, the stages of the grievance process, the stage in the grievance process at which they were resolved, and the categories for which any grievances were dismissed.

4. For non-grievable complaints, where such complaints were referred[;].

5. The number of [incarcerated individuals] persons incarcerated that submitted grievances.

c. Reserved.

d. The department shall utilize an electronic tracking system to record all grievable and non-grievable complaints handled by the office of constituent and grievance services and shall provide the board of correction access to such system. Such system shall track the following:

1. Whether a complaint is subject to the process established by the office of constituent and grievance services, and if not, if and where the [incarcerated individual] person incarcerated was directed;

2. Whether the [incarcerated individual] person incarcerated pursued an appeal;

3. How and when the complaint was resolved, and at what stage the complaint was resolved;

4. Whether the complaint was made by the affected [incarcerated] person, an attorney or other advocate, a public official, or another third party;

5. The housing facility and housing area type where the complaint was made;

e. Complaints and requests made by or on behalf of [an incarcerated individual] a person incarcerated to 311 and forwarded to the department shall be addressed by the office of constituent and grievance services.

f. The department shall ensure equal access to the office of constituent and grievance services, including the following procedures:

1. Evaluating the need for grievance boxes and strategically placing a number of boxes in locations where [individuals] persons in department custody frequently congregate, and at least one box in each facility.

2. Placing a number of dedicated personnel in each housing unit to conduct outreach.

3. Developing caseload guidelines for grievance coordinators and officers.

g. The department shall install grievance kiosks in each facility where [incarcerated individuals] persons incarcerated may file grievances electronically and in a private setting by December 31, 2026. Such kiosks shall be accessible in multiple languages and shall provide [incarcerated individuals] persons incarcerated physical receipts confirming filing. If a request made through the kiosk is not subject to the grievance and review process, the kiosks shall provide [incarcerated individuals] persons incarcerated with information regarding

where the grievance should be redirected.

h. [Incarcerated individuals] Persons incarcerated who are unable to read, access, or understand the grievance process shall be provided with assistance necessary to meaningfully engage in such process.

§ 36. Section 9-137 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-137 Jail population statistics. a. Within 45 days of the end of each quarter of the fiscal year, the department shall post a report on its website containing information related to the [incarcerated individual] population of persons incarcerated in city jails for the preceding quarter. Such quarterly report shall include the following information based on the number of [incarcerated individual] admissions of persons incarcerated during the reporting period, and based on the average daily population of the city's jails for the preceding quarter in total, and as a percentage of the average daily population of [incarcerated individuals] persons in the department's custody during the reporting period:

1. Age, in years, disaggregated as follows: 16-17, 18-21, 22-25, 26-29, 30-39, 40-49, 50-59, 60-69, 70 or older.

2. Gender, including a separate category for those [incarcerated individuals] persons incarcerated housed in any transgender housing unit.

3. Race of [incarcerated individuals] persons incarcerated, categorized as follows: African-American, Hispanic, Asian, white, or any other race.

4. The borough in which the [incarcerated individual] person incarcerated was arrested.

5. Educational background as self-reported by [incarcerated individuals] persons after their admission to the custody of the department, categorized as follows based on the highest level of education achieved: no high school diploma or general education diploma, a general education diploma, a high school diploma, some college but no degree, an associate's degree, a bachelor's degree, or a post-collegiate degree.

6. The number of [incarcerated individuals] persons incarcerated identified by the department as a

member of a security risk group, as defined by the department.

§ 37. Section 9-138 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-138 Use of force directive. The commissioner shall post on the department's website the directive stating the department's current policies regarding the use of force by departmental staff on [incarcerated individuals] persons incarcerated, including but not limited to the circumstances in which any use of force is justified, the circumstances in which various levels of force or various uses of equipment are justified, and the procedures staff must follow prior to using force. The commissioner may redact such directive as necessary to preserve safety and security in the facilities under the department's control.

§ 38. Section 9-139 of the administrative code of the city of New York, as added by local law number 91 for the year 2015, subdivisions g and h as added by local law number 135 for the year 2019 and two other subdivisions g and h as subsequently added by local law number 194 for the year 2019, are amended to read as follows:

§ 9-139 [Inmate bill] Bill of rights of persons incarcerated. a. The department shall inform every [inmate] person upon admission to the custody of the department, in writing, using plain and simple language, of their rights under department policy, which shall be consistent with federal, state, and local laws, and board of correction minimum standards, on the following topics: non-discriminatory treatment, personal hygiene, recreation, religion, attorney visits, access to legal reference materials, visitation, telephone calls and other correspondence, media access, due process in any disciplinary proceedings, health services, safety from violence, and the grievance system.

b. The department shall inform every [inmate] person upon admission to the custody of the department, in writing, using plain and simple language, of [their] the person’s responsibilities under the department's rules governing [inmate] conduct.

c. The department shall inform every [inmate] person upon admission to the custody of the department,

in writing, using plain and simple language, of available services relating to education, vocational development, drug and alcohol treatment and counseling, and mental health treatment and counseling services.

d. The department shall publish on its website any documents created pursuant to this section. Such documents shall be available in English and Spanish.

e. Within 24 hours of admission to the custody of the department, the department shall provide to each [inmate] person in such custody an oral summary of the rights and responsibilities enumerated in subdivisions a, b, and c of this section in [the inmate's] such person's preferred language, if the language is accessible through the city's language access plan. The department shall make a good faith effort to provide an oral summary in languages that are not accessible through the city's language access plan as soon as practicable.

f. Upon admission to the custody of the department, each [inmate] person shall also be offered the option of being provided the Connections guidebook for [formerly incarcerated people] persons formerly incarcerated, or any similar or successor book or handbook that describes resources available to [those re-entering society after being incarcerated] such persons.

g. The department shall inform all [incarcerated individuals] persons incarcerated in writing, using plain and simple language, of the protections against retaliation for filing a grievance, complaint, or request. The department shall also inform all [incarcerated individuals] persons incarcerated in writing and in plain and simple language upon the filing of a grievance, complaint, or request, about which complaints are not subject to the grievance process; the process for resolving such complaints; and the protections against retaliation for filing such grievance, complaint, or request. Grievable complaints made through 311, to the board of correction, by email, by attorneys or other advocates, public officials, or other third parties on behalf of [an incarcerated individual] a person incarcerated and over the phone shall be addressed by the office of constituent and grievance services.

[g. The department shall allow incarcerated individuals to decorate a designated area of their living quarters, with appropriate oversight from the department regarding safety and security considerations.]

h. The department shall include on all grievance forms instructions on how to appeal resolutions and post such forms on the department's website.

[h. The department shall maintain a policy that requires its employees to refer to individuals in custody by their names and their preferred pronouns, if known and practicable, and has zero tolerance for staff addressing individuals in custody using dehumanizing terms, such as the word "body."]

i. The department shall allow persons incarcerated to decorate a designated area of their living quarters, with appropriate oversight from the department regarding safety and security considerations.

j. The department shall maintain a policy that requires its employees to refer to persons in custody by their names and their preferred pronouns, if known and practicable, and has zero tolerance for staff addressing individuals in custody using dehumanizing terms, such as the word "body."

§ 39. The definitions of "borough jail facility," "city jail," "professional," "staff" and "visitor" in subdivision a of section 9-140 of the administrative code of the city of New York, as amended by local law number 23 for the year 2019, are amended to read as follows:

Borough jail facility. The term "borough jail facility" means any department facility in which [incarcerated individuals] persons incarcerated are housed by the department and that is located outside Rikers Island.

City jail. The term "city jail" means any department facility in which [incarcerated individuals] persons incarcerated are housed by the department.

Professional. The term "professional" refers to people who are properly identified as providing services or assistance to [incarcerated individuals] persons incarcerated, including but not limited to lawyers, doctors, religious advisors, public officials, therapists, counselors, and media representatives.

Staff. The term "staff" means anyone other than [an incarcerated individual] a person incarcerated who is directly employed by the department.

Visitor. The term "visitor" means any person who enters a city jail with the stated intention of visiting

[an incarcerated individual] a person incarcerated at any city jail, or any person who is screened by the department for visitation purposes, including but not limited to professionals and any person who registers to visit [an incarcerated individual] a person incarcerated in the department's visitor tracking system.

§ 40. Subdivision b of section 9-140 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

b. The commissioner shall post on the department website on a quarterly basis, within 30 days of the beginning of each quarter, a report containing information pertaining to the visitation of [the incarcerated individual population] persons incarcerated in city jails for the prior quarter. Such quarterly report shall include the following information in total and disaggregated by whether the visitor is a professional, and also disaggregated by the type of services the professional provides:

1. The total number of visitors to city jails, the total number of visitors to borough jail facilities, and the total number of visitors to city jails on Rikers Island.

2. The total number of visitors that visited [an incarcerated individual] a person incarcerated at city jails, the total number of visitors that visited [an incarcerated individual] a person incarcerated at borough jail facilities, and the total number of visitors that visited [an incarcerated individual] a person incarcerated at city jails on Rikers Island.

3. The number of visitors unable to visit [an incarcerated individual] a person incarcerated at any city jail, in total and disaggregated by the reason such visit was not completed.

4. The [incarcerated individual] visitation rate, which shall be calculated by dividing the average daily number of visitors who visited [incarcerated individuals] persons incarcerated at city jails during the reporting period by the average daily [incarcerated individual] population of persons incarcerated in city jails during the reporting period.

5. The borough jail facility visitation rate, which shall be calculated by dividing the average daily number of visitors who visited [incarcerated individuals] persons incarcerated at borough jail facilities during

the reporting period by the average daily [incarcerated individual] population of persons incarcerated in borough jail facilities during the reporting period.

6. The Rikers Island visitation rate, which shall be calculated by dividing the average daily number of visitors who visited [incarcerated individuals] persons incarcerated at city jails on Rikers Island during the reporting period by the average daily [incarcerated individual] population of persons incarcerated in city jails on Rikers Island during the reporting period.

§ 41. Section 9-141 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-141 Feminine hygiene products. All [female incarcerated individuals] persons in the custody of the department shall be provided, at the department's expense, with feminine hygiene products as soon as practicable upon request. All [female] individuals arrested and detained in the custody of the department for at least 48 hours shall be provided, at the department's expense, with feminine hygiene products as soon as practicable upon request. For purposes of this section, "feminine hygiene products" means tampons and sanitary napkins for use in connection with the menstrual cycle.

§ 42. Section 9-142 of the administrative code of the city of New York, as added by local law number 120 for the year 2016, and subdivisions a, c, and d of paragraphs 6 and 7 of such section, as amended by chapter 322 of the laws of 2021, are amended to read as follows:

§ 9-142 Rikers Island nursery procedures and report. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

Child. The term "child" means any person one year of age or younger whose mother is in the custody of the department.

Nursery. The term "nursery" means any department facility designed to accommodate newborn children of [incarcerated mothers] mothers who are incarcerated, pursuant to New York state correctional law section 611 or any successor statute.

Staff. The term "staff" means anyone, other than [an incarcerated individual] a person incarcerated, working at a facility operated by the department.

Use of force A. The term "use of force A" means a use of force by staff on [an incarcerated individual] a person incarcerated resulting in an injury to staff or [incarcerated individual] a person incarcerated that requires medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including those uses of force resulting in one or more of the following treatments/injuries: (i) multiple abrasions and/or contusions; (ii) chipped or cracked tooth; (iii) loss of tooth; (iv) laceration; (v) puncture; (vi) fracture; (vii) loss of consciousness; including a concussion; (viii) suture; (ix) internal injuries, including but not limited to, ruptured spleen or perforated eardrum; and (x) admission to a hospital.

Use of force B. The term "use of force B" means a use of force by staff on [an individual incarcerated] a person incarcerated resulting in an injury to staff or [individual incarcerated] a person incarcerated that does not require hospitalization or medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including the following: (i) a use of force resulting in a superficial bruise, scrape, scratch, or minor swelling; and (ii) the forcible use of mechanical restraints in a confrontational situation that results in no or minor injury.

Use of force C. The term "use of force C" means a use of force by staff on [an incarcerated individual] a person incarcerated resulting in no injury to staff or [incarcerated individual] a person incarcerated, including incidents where use of oleoresin capsicum spray results in no injury, beyond irritation that can be addressed through decontamination.

b. Notice shall be given to all women admitted to any departmental facility that they may be eligible to be housed in the nursery with their child or children, if such child or children are one year of age or younger, and may be eligible to be housed in the nursery with their child after giving birth while in the custody of the department. Information about eligibility for the nursery shall be posted in the clinic. Such information and notice shall be provided in clear and simple language.

c. Children and their mothers shall be housed in the nursery unless the department determines that such housing would not be in the best interest of such child pursuant to section 611 of the correction law or any successor statute. The department shall maintain formal written procedures consistent with this policy and with the following provisions:

1. The warden of the facility in which the nursery is located may deny a child admission to the nursery only if a consideration of all relevant evidence indicates that such admission would not be in the best interest of the child.

2. Any [incarcerated individual] person incarcerated whose child is denied admission to the nursery shall be provided with a written determination specifying the facts and reasons underlying such determination. Such notice shall indicate that this determination may be appealed, and describe the appeals process in plain and simple language.

3. [An incarcerated individual] A person incarcerated may appeal such determination. The appeal shall be decided by the commissioner or the chief of the department, in consultation with a person who has expertise in early childhood development. Any denial of an appeal shall include a specific statement of the reasons for denial. A copy of this determination on the appeal shall be provided to such [incarcerated individual] person.

4. [Incarcerated individuals] Persons incarcerated who are unable to read or understand the procedures in this subdivision shall be provided with necessary assistance.

d. The department shall post on the department website by the 30th day of January on a yearly basis a report containing information pertaining to the department's nursery for the prior calendar year. Such annual report shall include:

1. The total number of children admitted to the nursery, and the average daily population of children in the nursery;

2. The total number of applications submitted by mothers to bring their children into the nursery;

3. The total number of applications that were approved;

4. The total number of applications that were denied. For any children for whom such application was denied, the placement of such child in the following categories: (i) with a family member or guardian, (ii) with New York city administration for [child] children's services or any similar governmental agency, or (iii) any other placement;

5. The mean and median length of stay for children in the nursery annually, and for each occasion where a child was discharged, whether the stay was terminated because (i) their mothers were discharged from the custody of the department, (ii) the child reached an age at which they were no longer eligible to be housed at the nursery, or (iii) any other reason. For any child whose nursery stay was terminated for a reason other than their mother's discharge from the custody of the department, the placement of such child in the following categories: (i) with a family member or guardian, (ii) with New York city administration for [child] children's services or any similar governmental agency, or (iii) any other placement;

6. The programming and services available to [incarcerated individuals] persons incarcerated and children in the nursery, including but not limited to the following categories: parenting, health and mental health, drug and/or alcohol addiction, vocational, educational, recreational, or other life skills; and

7. The following information by indicating the rate per 100 female [incarcerated individuals] persons in the custody of the department, disaggregated by whether or not the incident took place in the nursery: (i) incidents of use of force A, (ii) incidents of use of force B, (iii) incidents of use of force C, and (iv) incidents of use of force C in which chemical agents are used.

e. The information in subdivision d of this section shall be compared to previous reporting periods, and shall be permanently accessible from the department's website.

§ 43. Section 9-143 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, and subdivision b of such section, as amended by chapter 486 of the laws of 2022, are amended to read as follows:

§ 9-143 Annual report on [mentally ill incarcerated individuals] mental illness and recidivism. a.

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

Eligible [incarcerated individual] person. The term "eligible [incarcerated individual] person" means [an incarcerated individual] a person incarcerated or person in custody whose period of confinement in a city correctional facility lasts 24 hours or longer, and who, during such confinement, receives treatment for a mental illness, but does not include [incarcerated individuals] a person seen by mental health staff on no more than two occasions during [their] such person's confinement and assessed on the latter of those occasions as having no need for further treatment in any city correctional facility or upon [their] release from any such facility.

Reporting period. The term "reporting period" means the calendar year two years prior to the year in which the report issued pursuant to this section is issued.

b. No later than March 31 of each year, beginning in 2017, the department shall post on its website a report regarding [mentally ill incarcerated individuals] persons incarcerated with mental illness and recidivism. Such report shall include but not be limited to the following information:

1. The number of [incarcerated individuals] persons released by the department to the community during the reporting period, the number of eligible [incarcerated individuals] persons released to the community by the department during the reporting period, and the percentage of [incarcerated individuals] persons released to the community by the department who were eligible during the reporting period, provided that such report shall count each individual released during the reporting period only once; and

2. The number and percentage of [incarcerated individuals] persons released to the community by the department during the reporting period who returned to the custody of the department within one year of their discharge, and the number and percentage of eligible [incarcerated individuals] persons released to the community by the department during the reporting period who returned to the custody of the department within one year of their discharge, provided that such report shall count each individual released during the reporting period only once.

c. The information in subdivision b of this section shall be compared to previous reporting periods

where such information is available, and shall be permanently accessible from the department's website.

§ 44. Section 9-144 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-144 Correction programming evaluation and report. [a.] The department shall evaluate [incarcerated individual] programming each calendar year. For purposes of this section, "[incarcerated individual] programming" includes but is not limited to any structured services offered directly to [incarcerated individuals] persons incarcerated for the purposes of vocational training, counseling, cognitive behavioral therapy, addressing drug dependencies, or any similar purpose. No later than April 1 of each year, beginning in 2017, the department shall submit a summary of each evaluation to the mayor and the council, and post such summary to the department's website. This summary shall include factors determined by the department, including, but not be limited to, information related to the following for each such program: (i) the amount of funding received; (ii) estimated number of [incarcerated individuals] persons served; (iii) a brief description of the program including the estimated number of hours of programming offered and utilized, program length, goals, target populations, effectiveness, and outcome measurements, where applicable; and (iv) successful completion and compliance rates, if applicable. Such summary shall be permanently accessible from the department's website and shall be provided in a format that permits automated processing, where appropriate. Each yearly summary shall include a comparison of the current year with the prior five years, where such information is available.

§ 45. The definition of "correctional health services" in subdivision a of section 9-145 of the administrative code of the city of New York, as added by local law number 142 for the year 2019, and the definition of "staff" in such subdivision, as amended by chapter 322 of the laws of 2021, are amended to read as follows:

Correctional health services. The term "correctional health services" means the entity responsible for the delivery of health and mental health services to [incarcerated individuals] persons in the custody of the

department.

Staff. The term "staff" means any employee of the department or any person who regularly provides health or counseling services directly to [incarcerated individuals] persons incarcerated.

§ 46. Section 9-146 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-146 Court appearance transportation for [incarcerated individuals] persons incarcerated. a. By April 1, 2017 and upon gaining access to [such] the database described in subdivision c of this section, the department shall, within 48 hours of admission of [an incarcerated individual] any person to the custody of the department, determine whether [an incarcerated individual] such person has any pending court appearances scheduled in New York city criminal court or the criminal term of New York state supreme court other than those appearances for cases for which such defendant is admitted to the custody of the department or that pertain solely to the payment of court surcharges.

b. In complying with subdivision a of this section, the department shall:

1. notify the office of court administration that such [incarcerated individual] person is in department custody upon determination of such court appearance, pursuant to subdivision a of this section; and

2. provide, as required by the court, transportation for every [incarcerated individual] person for all such court appearances.

c. The department shall make every effort to reach an agreement with the office of court administration to gain access by the department to a database maintained by the office of court administration related to court appearances scheduled in New York city criminal court or the criminal term of New York state supreme court. The requirements set forth in subdivisions a and b of this section shall apply only when the office of court administration reaches such agreement with the department.

§ 47. Section 9-147 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-147 Court appearance clothing for [incarcerated individuals] persons incarcerated. Except as provided elsewhere in this section, the department shall provide every [incarcerated individual] person incarcerated or person in custody appearing for a trial or before a grand jury with access to clothing in their personal property prior to transport for such appearance, and produce all such [incarcerated individuals] persons for such appearances in such clothing. If such clothing is not available, or if [an incarcerated individual] a person incarcerated or person in custody chooses not to wear their personal clothing, the department shall provide such [incarcerated individual] person with new or gently used, size appropriate clothing of a kind customarily worn by persons not in the custody of the department, unless (i) such [incarcerated individual] person chooses to wear the uniform issued by the department, or (ii) such [incarcerated individual] person is required to wear such uniform by an order of the court. The department shall permit personal clothing to be delivered to [an incarcerated individual] a person incarcerated or a person in custody during such time as packages are permitted to be delivered under title 40 of the rules of the city of New York or during reasonable hours the day before [an incarcerated individual's] such person's scheduled appearance for a trial or before a grand jury. New or gently used, weather- and size-appropriate clothing of a kind customarily worn by persons not in the custody of the department shall be offered to any [incarcerated individual] person released from the custody of the department from a court, unless the [incarcerated individual] person is wearing [the incarcerated individual's] such person's own personal clothing.

§ 48. Subdivisions a, b and c of section 9-148 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, are amended to read as follows:

a. The department shall accept cash bail payments immediately and continuously after [an incarcerated individual] a person is admitted to the custody of the department, except on such dates on which [an incarcerated individual] a person incarcerated or person in custody appears in court other than an arraignment in criminal court.

b. The department shall release any [incarcerated individual] person incarcerated or person in custody

for whom bail or bond has been paid or posted within the required time period of the later of such payment being made or the department's receipt of notice thereof, provided that if [an incarcerated individual] a person incarcerated or person in custody cannot be released within the required time period due to extreme and unusual circumstances then such [incarcerated individual] person shall be released as soon as possible. Such timeframe may be extended when any of the following occurs, provided that the [incarcerated individual's] person's release shall be forthwith as that term is used in section 520.15 of the criminal procedure law:

1. The [incarcerated individual] person receives discharge planning services prior to release;

2. The [incarcerated individual] person has a warrant or hold from another jurisdiction or agency;

3. The [incarcerated individual] person is being transported at the time bail or bond is paid or posted;

4. The [incarcerated individual] person is not in departmental custody at the time bail or bond is paid or posted;

5. The [incarcerated individual] person requires immediate medical or mental health treatment; or

6. Section 520.30 of the criminal procedure law necessitates a delay.

c. The department shall accept or facilitate the acceptance of cash bail payments for [incarcerated individuals] persons in the custody of the department: (i) at any courthouse of the New York City Criminal Court, (ii) at any location within one half mile of any such courthouse during all operating hours of such courthouse and at least two hours subsequent to such courthouse's closing, or (iii) online.

§ 49. Section 9-149 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, and subdivision a of such section, as amended by chapter 486 of the laws of 2022, are amended 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 incarcerated individual] a person incarcerated for admission to a housing facility for not less than four and not more than 12 hours following [the inmate's] such person'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 incarcerated individual] such person.

b. Such delay is not permissible for any [incarcerated individual] person incarcerated 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] such person will not be able to post bail within 12 hours or otherwise indicates [that they do not wish] a desire not 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 [incarcerated individuals] persons incarcerated in courthouse facilities during such times as correctional staff are not regularly scheduled to detain [incarcerated individuals] such persons provided that the department must provide for the regular staffing of courthouse facilities for at least one hour after the last [incarcerated individual] such person was taken into custody on bail.

§ 50. Section 9-150 of the administrative code of the city of New York, as amended by local law number 81 for the year 2019, is amended to read as follows:

§ 9-150 Bail facilitation. Definitions. As used in this section, the following terms have the following meanings:

Bail facilitator. The term "bail facilitator" means a person or persons whose duties include explaining to eligible [incarcerated individuals] persons incarcerated how to post bail or bond, explaining the fees that may be collected by bail bonds companies, taking reasonable steps to communicate directly with or facilitate such

[individual's] person's communication with possible sureties, and taking any other reasonable measures to assist such [individuals] persons in posting bail or bond.

Eligible [incarcerated individual] person. The term "eligible [incarcerated individual] person" means a person incarcerated by or in the custody of the department held only on bail or bond.

Institutional defense provider. The term "institutional defense provider" means any private institutional legal services organization selected in accordance with section 13-02 of title 43 of the rules of the city of New York to represent indigent persons, or any successor provision thereto.

a. Within 24 hours of taking custody of an eligible [incarcerated individual] person, the department shall provide to such [individual] person the following information in written form: (i) the [individual's] person's amount of bail or bond, (ii) the [individual's] person's New York state identification number or booking and case number or other unique identifying number, (iii) options for all forms of bail payment and all steps required for such payment, including the locations at which a surety may post bail and the requirements for so posting, and (iv) any other information relevant to assisting the [individual] person in posting bail or bond.

b. Within 24 hours of taking custody of eligible [incarcerated individuals] persons, the department shall notify such [individuals] persons that they may post their own bail. Within such time period, the department shall, to the extent practicable and in a manner consistent with officer safety and all applicable laws, offer such [individuals] persons the opportunity to obtain property, including personal contact information and financial resources, that such [individuals] persons may require for the purpose of posting bail and which is stored in such [individual's] person's personal property, provided that any member of the department who accesses such [individual's] person's property pursuant to this subdivision shall request access only for the purpose of facilitating posting bail.

c. The department shall ensure that bail facilitators meet with all eligible [incarcerated individuals] persons within 48 hours of their admission to the custody of the department, that eligible [incarcerated individuals] persons have continued access to bail facilitators, and that bail facilitators are provided with

reasonable resources necessary to fulfill their duties.

d. Absent unusual circumstances, the following time periods shall apply to notifications given pursuant to this subdivision to eligible [incarcerated individuals] persons and their legal representatives: the department shall generate a list of eligible [incarcerated individuals] persons who are held solely due to a bail amount of less than $10 once before noon and once after noon every day of the week. Within three hours of generation of such a list, but no later than 24 hours after receipt of information from the office of court administration regarding the bail status of eligible [incarcerated individuals] persons, the department shall provide each eligible [incarcerated individual] person who is held solely due to a bail amount of less than $10 with notice that such eligible [incarcerated individual] person is held solely due to a bail amount of less than $10. Within ninety minutes of generation of such a list, the department shall consult a website maintained by the New York state unified court system that may contain information relating to such [individual's] person's legal representative. If such website identifies the legal representative of such [individual] person and contains a telephone number for such legal representative, the department shall telephone such legal representative to inform them that such [individual] person is held solely due to a bail amount of less than $10. If such website identifies an institutional defense provider as the legal representative of such [individual] person, the department shall telephone or email such institutional defense provider within ninety minutes of generation of such a list to inform them that such [individual] person is held solely due to a bail amount of less than $10, regardless of whether a telephone number or email address is identified on a website maintained by the New York state unified court system.

§ 51. The definitions of "department of education site," "educational programming," "use of force A," "use of force B" and "use of force C" in subdivision a of section 9-151 of the administrative code of the city of New York, paragraphs 10 and 22 of subdivision c of such section, as added by local law number 168 for the year 2017, and subdivision d of such section, as amended by chapter 322 of the laws of 2021, are amended to read as follows:

Department of education site. The term "department of education site" means any facility operated by the department of education that offers educational programming to [incarcerated individuals] persons incarcerated, including but not limited to adolescents, and that is located on property under the control of the department of correction.

Educational programming. The term "educational programming" means any educational services offered by the department of education to [incarcerated individuals in the custody of] persons incarcerated by the department of correction [by the department of education].

Use of force A. The term "use of force A" means a use of force by staff on [an incarcerated individual] a person incarcerated resulting in an injury that requires medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including those uses of force resulting in one or more of the following treatments/injuries: (i) multiple abrasions and/or contusions; (ii) chipped or cracked tooth; (iii) loss of tooth; (iv) laceration; (v) puncture; (vi) fracture; (vii) loss of consciousness; including a concussion; (viii) suture; (ix) internal injuries, including but not limited to, ruptured spleen or perforated eardrum; and (x) admission to a hospital.

Use of force B. The term "use of force B" means a use of force by staff on [an incarcerated individual] a person incarcerated which does not require hospitalization or medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including the following: (i) a use of force resulting in a superficial bruise, scrape, scratch, or minor swelling; and (ii) the forcible use of mechanical restraints in a confrontational situation that results in no or minor injury.

Use of force C. The term "use of force C" means a use of force by staff on [an incarcerated individual] a person incarcerated resulting in no injury to staff or [an incarcerated individual] a person incarcerated, including incidents where use of oleoresin capsicum spray results in no injury, beyond irritation that can be addressed through decontamination.

10. The number of [incarcerated individuals] persons incarcerated enrolled in department of education

sites, disaggregated by age.

22. The number of unique assaults on department of education staff by [incarcerated individuals] persons incarcerated.

d. The department of correction report shall include, but need not be limited to, the following information, which shall be produced in a format that protects the privacy interests of [incarcerated individuals] persons incarcerated, including but not limited to those who have juvenile records and sealed criminal records or are otherwise protected by state or federal law. The student age as of the incident date will be used to categorize the student as adolescent or young adult, for the purposes of this reporting.

1. The number of departmental infractions issued to adolescents at a department of education site, and the number of departmental infractions issued to young adults at a department of education school site, in total and disaggregated by the type of infraction, as defined by the department.

2. The number of students prevented from attending educational programming by the department of correction because of a behavioral issue or an assault.

3. The number of assaults on staff at a department of education site, in total and disaggregated by whether such assault was committed by an adolescent or young adult.

4. The number of incidents of use of force A at a department of education site, in total and disaggregated by whether such use of force was used on an adolescent or young adult.

5. The number of incidents of use of force B at a department of education site, in total and disaggregated by whether such use of force was used on an adolescent or young adult.

6. The number of incidents of use of force C at a department of education site, in total and disaggregated by whether such use of force was used on an adolescent or young adult.

§ 52. The definition of "incident" in subdivision a of section 9-152 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

Incident. The term "incident" means any incident in which staff used force on [an incarcerated

individual] a person incarcerated or a person in custody.

§ 53. Section 9-154 of the administrative code of the city of New York, as added by local law number 144 for the year 2018, is amended to read as follows:

§ 9-154 Telephone services [to inmates]. The city shall provide telephone services to individuals within the custody of the department in city correctional facilities at no cost to the individuals or the receiving parties for domestic telephone calls. The city shall not be authorized to receive or retain any revenue for providing telephone services.

§ 54. Subdivision a and paragraph 6 of subdivision b of section 9-155 of the administrative code of the city of New York, as added by local law number 164 for the year 2018, are amended to read as follows:

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

Continuous lock-in. The term "continuous lock-in" means any period of time in which [incarcerated individuals] persons incarcerated are confined to their cells or beds due to the combination of an emergency lock-in and either a scheduled lock-in or a lock-in extension, or both.

Department-wide emergency lock-in. The term "department-wide emergency lock-in" means any period of time during which [incarcerated individuals] persons incarcerated are confined to their cells or beds throughout all department facilities, but shall not include any scheduled period of lock-in.

Facility emergency lock-in. The term "facility emergency lock-in" means any period of time during which [incarcerated individuals] persons incarcerated are confined to their cells or beds within all housing areas of an individual departmental facility, but shall not include any scheduled period of lock-in.

Housing area emergency lock-in. The term "housing area emergency lock-in" means any period of time during which [incarcerated individuals] persons incarcerated within an individual housing area within a facility are confined to their cells or beds, but shall not include any scheduled period of lock-in.

Lock-in extension. The term "lock-in extension" means when a scheduled period of lock-in is extended.

Mandated services. The term "mandated services" means [incarcerated individual] services required to

be provided to persons incarcerated pursuant to local law or rule, including but not limited to access to: law library, recreation, religious services, sick call, visits, and educational services.

Partial facility emergency lock-in. The term "partial facility emergency lock-in" means any period of time during which [incarcerated individuals] persons incarcerated are confined to their cells or beds within a segment of an individual departmental facility, but shall not include any scheduled period of lock-in. Any emergency lock-in that includes periods of full facility emergency lock-in and partial facility emergency lock-in shall be considered a full facility emergency lock-in.

Scheduled period of lock-in. The term "scheduled period of lock-in" means (1) during the evening, for [an incarcerated individual] a person incarcerated count or for sleeping time, a period not to exceed 8 hours within any 24-hour period, (2) during the day, for [an incarcerated individual] a person incarcerated count or for required facility business that can only be carried out when [incarcerated individuals] persons incarcerated are locked in, a period not to exceed 2 hours within any 24-hour period, and (3) for any other period of regularly scheduled lock-in permitted by applicable law or board of correction rules pertaining to specialized housing areas. Nothing in this section invalidates or affects existing or future laws or board of correction rules regarding the extension of a scheduled period of lock-in.

6. the mean and median number of [incarcerated individuals] persons incarcerated housed in areas affected by housing area emergency lock-ins disaggregated by facility, in total and disaggregated by the housing area type;

§ 55. The definitions of "correctional health authority," "sexual abuse," "sexual abuse by staff on an incarcerated individual," and "sexual abuse by an incarcerated individual" in subdivision a of section 9-156 of the administrative code of the city of New York, as amended by chapter 486 of the laws of 2022, and paragraphs 7 and 9 of subdivision b of such section, and paragraph 10 of subdivision c of such section, as added by local law number 21 for the year 2019, are amended to read as follows:

Correctional health authority. The term "correctional health authority" means the entity responsible for

the delivery of health and mental health services to [inmates] persons incarcerated by or persons in the custody of the department.

Sexual abuse. The term "sexual abuse" includes sexual abuse of [an incarcerated individual] a person incarcerated by staff or sexual abuse by [an incarcerated individual] a person incarcerated.

Sexual abuse by staff of [an incarcerated individual] a person incarcerated. The term "sexual abuse by staff" includes any of the following acts conducted by staff, with or without consent of the [incarcerated individual] person incarcerated, including when such acts occur during the course of an otherwise authorized search procedure: (1) contact between the penis and the vulva or the penis and the anus, including penetration, however slight; (2) contact between the mouth and the penis, vulva, or anus; (3) contact between the mouth and any body part where the staff member has the intent to abuse, arouse, or gratify sexual desire; (4) penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument; (5) any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks where the staff member has the intent to abuse, arouse, or gratify sexual desire; and (6) any attempt to engage in the acts described in paragraphs (1) through (5) of this definition.

Sexual abuse by [an incarcerated individual] a person incarcerated. The term "sexual abuse by [an incarcerated individual] a person incarcerated" includes any of the following acts if the victim and perpetrator are both [incarcerated individuals] persons incarcerated, and if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse: (1) contact between the penis and the vulva or the penis and the anus, including penetration, however slight; (2) contact between the mouth and the penis, vulva, or anus; (3) penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and (4) any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

7. Whether the alleged victim had been in custody for more than 24 hours and who, during such

confinement, received treatment for a mental illness, not including [incarcerated individuals] persons incarcerated seen by mental health staff on no more than two occasions during their confinement and assessed on the latter of those occasions as having no need for further treatment in any city correctional facility or upon their release from any such facility;

9. Whether the alleged perpetrator was [an incarcerated individual] a person incarcerated or staff;

10. For substantiated allegations, if the perpetrator was a staff person, whether during the pendency of the investigation such staff person resigned, was suspended, placed on modified duty, assigned to a post without contact with [incarcerated individuals] persons incarcerated, assigned to a post with restricted contact with [incarcerated individuals] persons incarcerated, placed on administrative leave, or administered any other form of discipline;

§ 56. Section 9-158 of the administrative code of the city of New York, as added by local law number 142 for the year 2019, is amended to read as follows:

§ 9-158 Mental health treatment for transgender, gender nonconforming, non-binary, and intersex individuals. The department shall ensure that any housing unit where transgender, gender nonconforming, non-binary, and intersex individuals are housed has access to the same mental health treatment as units housing other [incarcerated individuals] persons incarcerated.

§ 57. Subparagraph (a) of paragraph 2 of subdivision b, and subdivision c of section 9-159 of the administrative code of the city of New York, as added by local law number 194 for the year 2019, are amended to read as follows:

(a) a call button or telephone in each room that [incarcerated individuals] persons incarcerated may use to contact staff;

c. The department shall digitize paper-based communications and ensure that correctional facilities built after [the effective date of the local law that added this section] March 16, 2020, are wired in such a fashion to allow for such electronic communications. Such communication shall include but not be limited to (1) the

location of [incarcerated individuals] persons incarcerated, (2) communications between staff, (3) the filing of grievances, and (4) communications regarding bail status, in accordance with standards set by correctional oversight agencies.

§ 58. Section 9-306 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-306 Annual reporting on bail and the criminal justice system. a. Within 90 days of the beginning of each reporting period, the office of criminal justice shall post on its website a report regarding bail and the criminal justice system for the preceding reporting period. The reporting period for paragraphs 1, 3, 14, and 15 of this subdivision is quarterly, the reporting period for paragraphs 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 16 is semi-annually, and the reporting period for paragraphs 17 through 33 is annually. For the purposes of this subdivision, any [incarcerated individual] person incarcerated on multiple charges shall be deemed to be incarcerated only on the most serious charge, a violent felony shall be deemed to be more serious than a non-violent felony of the same class, any [incarcerated individual] person incarcerated on multiple charges of the same severity shall be deemed to be held on each charge, any [incarcerated individual] person incarcerated on multiple bail amounts shall be deemed to be held only on the highest bail amount, any [incarcerated individual] person incarcerated held on pending criminal charges who has a parole hold shall be deemed to be held only on the parole hold, any [incarcerated individual] person incarcerated held on pending criminal charges who has any other hold shall be deemed to be held only on the pending criminal charges, and any [incarcerated individual] person incarcerated on multiple cases in which sentence has been imposed on at least one of such cases shall be deemed to be sentenced. Such report shall contain the following information, for the preceding reporting period or for the most recent reporting period for which such information is available, to the extent such information is available:

1. The average daily population of [incarcerated individuals] persons in the custody of the department of correction.

2. The number of [incarcerated individuals] persons admitted to the custody of the department of correction during the reporting period who had been sentenced to a definite sentence, the number held on pending criminal charges, and the number in any other category.

3. Of the number of [incarcerated individuals] persons in the custody of the department of correction on the last Friday of each calendar month of the reporting period, the percentage who had been sentenced to a definite sentence, the percentage held on pending criminal charges, and the percentage in any other category.

4. Of the number of [incarcerated individuals] persons in the custody of the department of correction on the last Friday of each calendar month of the reporting period held on pending criminal charges, the percentage who were remanded without bail.

5. The number of [incarcerated individuals] persons in the custody of the department of correction who were sentenced to a definite sentence during the reporting period of the following length:

(a) 1-15 days;

(b) 16-30 days;

(c) 31-90 days;

(d) 91-180 days; or

(e) more than 180 days.

6. Of the number [incarcerated individuals] of persons in the custody of the department of correction on the last Friday of each calendar month of the reporting period who were sentenced to a definite sentence, the percentage of [incarcerated individuals] persons whose sentences were of the following lengths:

(a) 1-15 days;

(b) 16-30 days;

(c) 31-90 days;

(d) 91-180 days; or

(e) more than 180 days.

7. The number of [incarcerated individuals] persons admitted to the custody of the department of correction during the reporting period on pending criminal charges who were charged with offenses of the following severity:

(a) class A felonies;

(b) class B or C felonies;

(c) class D or E felonies;

(d) misdemeanors; or

(e) non-criminal charges.

8. Of the number of [incarcerated individuals] persons in the custody of the department of correction on the last Friday of each calendar month of the reporting period held on pending criminal charges, the percentage charged with offenses of the following severity:

(a) class A felonies;

(b) class B or C felonies;

(c) class D or E felonies;

(d) misdemeanors; or

(e) non-criminal charges.

9. The number of [incarcerated individuals] persons admitted to the custody of the department of correction during the reporting period on pending criminal charges who were charged with offenses of the following severity:

(a) class A felonies disaggregated by offense;

(b) violent felonies as defined in section 70.02 of the penal law;

(c) non-violent felonies as defined in section 70.02 of the penal law;

(d) misdemeanors; or

(e) non-criminal charges.

10. Of the number of [incarcerated individuals] persons in the custody of the department of correction on the last Friday of each calendar month of the reporting period held on pending criminal charges, the percentage charged with offenses of the following severity:

(a) class A felonies disaggregated by offense;

(b) violent felonies as defined in section 70.02 of the penal law;

(c) non-violent felonies as defined in section 70.02 of the penal law;

(d) misdemeanors; or

(e) non-criminal charges.

11. Of the number of [incarcerated individuals] persons in the custody of the department of correction on the last Friday of each calendar month of the reporting period held on pending criminal charges, the percentage charged with offenses of the following type, including the attempt to commit any of such offense as defined in section 110 of the penal law:

(a) The following crimes as defined in the New York state penal law: (i) misdemeanor larceny as defined in sections 155.25, 140.35, and 165.40, (ii) misdemeanor drug possession as defined in section 220.03, (iii) misdemeanor assault as defined in sections 120.00, 120.14, 120.15, 121.11, and 265.01, (iv) misdemeanor harassment or violation of a court order as defined in sections 215.50 and 240.30, (v) misdemeanor theft of services as defined in section 165.15, (vi) misdemeanor trespass as defined in sections 140.10 and 140.15, (vii) misdemeanor criminal mischief or graffiti as defined in sections 145.00 and 145.60, (viii) misdemeanor sexual crimes as defined in sections 130.52, 130.55, and 135.60, (ix) misdemeanor resisting arrest or obstructing governmental administration as defined in sections 205.30 and 195.05, (x) misdemeanor marijuana possession as defined in sections 221.10 and 221.40, (xi) felony vehicular assault or vehicular manslaughter as defined in sections 120.03, 120.04, 120.04-a, 120.20, 120.25, 125.12, 125.13, and 125.14, (xii) felony assault as defined in sections 120.05, 120.06, 120.07, 120.08, 120.09, 120.10, 120.11, 120.12, and 120.13, (xiii) homicide offenses as defined in sections 125.10, 125.11, 125.15, 125.20, 125.21, 125.22, 125.25, 125.26, and 125.27, (xiv) felony

sexual assault as defined in sections 130.25, 130.30, 130.35, 130.40, 130.45, 130.50, 130.53, 130.65, 130.65a, 130.66, 130.67, 130.70, 130.75, 130.80, 130.90, 130.91, 130.95, and 130.96, (xv) kidnapping as defined in sections 135.10, 135.20, and 135.25, (xvi) burglary as defined in sections 140.20, 140.25, and 140.30, (xvii) arson as defined in sections 150.05, 150.10, 150.15, and 150.20, (xviii) robbery, grand larceny, and stolen property offenses as defined in sections 155.30, 155,35, 155.40, 155.42, 160.05, 160.10, 160.15, 165.45, 165.50, 165.52, and 165.54, (xix) felony violation of a court order as defined in sections 215.51 and 215.52, (xx) felony drug possession or sale as defined in sections 220.06, 220.09, 220.16, 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43, and 220.44, (xxii) firearm or weapons possession as defined in sections 265.01 -A, 265.01-B, 265.02, 265.03, 265.04, 265.08, 265.09, 265.11, 265.12, 265.13, 265.14, 265.16, and 265.19.

(b) The following crimes as defined in the New York state vehicle and traffic law:

(i) driving under the influence of alcohol as defined in section 1192,

(ii) driving with a suspended license as defined in section 511.

(c) The following categories of offense:

(i) any violation or non-criminal offense,

(ii) any misdemeanor not specifically enumerated in this paragraph, (iii) any felony not specifically enumerated in this paragraph.

12. The number of [incarcerated individuals] persons admitted to the custody of the department of correction during the reporting period on pending criminal charges who were charged with offenses in the categories defined in subparagraphs a, b, and c of paragraph 11 of this subdivision.

13. The number of [incarcerated individuals] persons admitted to the custody of the department of correction during the reporting period on pending criminal charges who had bail fixed in the following amounts: (a) $1; (b) $2-$500; (c) $501-$1000; (d) $1001-$2500; (e) $2501-$5000; (f) $5001-$10,000; (g) $10,001-$25,000; (h) $25,001-$50,000; (i) $50,001-$100,000; or (j) more than $100,000.

14. Of the number of [incarcerated individuals] persons in the custody of the department of correction

on the final Friday of each calendar month of the reporting period who were held on pending criminal charges, the percentage who had bail fixed in the following amounts: (a) $1; (b) $2-$500; (c) $501-$1000; (d) $1001-$2500; (e) $2501-$5000; (f) $5001-$10,000; (g) $10,001-$25,000; (h) $25,001-$50,000; (i) $50,001-$100,000; or (j) more than $100,000.

15. Of the number of [incarcerated individuals] persons in the custody of the department of correction on the final day of the reporting period who were held on pending criminal charges, the percentage who had been incarcerated for the following lengths of time: (a) 1-2 days; (b) 3-5 days; (c) 6-15 days; (d) 16-30 days; (e) 31-90 days; (f) 91-180 days; (g) 180 - 365 days; or (h) more than 365 days.

16. The information in paragraphs 1, 5, 7, 9, 13, 15, 30, 31, 32, and 33 of this subdivision disaggregated by the borough in which the [incarcerated individual's] person's case was pending. This data shall be listed separately and shall also be compared to the following crime rates disaggregated by borough:

(a) The number of crimes reported per capita;

(b) The number of class A felonies and violent felonies as defined in section 70.02 of the penal law reported per capita;

(c) The number of arrests per capita for criminal offenses; and

(d) The number of arrests for class A felonies and violent felonies as defined in section 70.02 of the penal law per capita.

17. The number of cases in which bail was set at arraignment on a misdemeanor complaint.

18. Of all cases arraigned on a misdemeanor complaint, the percentage in which bail was set.

19. The number of cases in which bail was set at arraignment on a felony complaint.

20. Of all cases arraigned on a felony complaint, the percentage in which bail was set.

21. The number of cases in which bail was posted during any time in which the most serious pending count was a misdemeanor and the defendant failed to appear for at least one court appearance during the reporting period.

22. Of all cases in which bail was posted during any time in which the most serious pending count was a misdemeanor, the percentage in which the defendant failed to appear for at least one court appearance during the reporting period.

23. The number of cases in which bail was posted during any time in which the most serious pending count was a felony and the defendant failed to appear for at least one court appearance during the reporting period.

24. Of all cases in which bail was posted during any time in which the most serious pending count was a felony, the percentage in which the defendant failed to appear for at least one court appearance during the reporting period.

25. The number of cases in which the defendant was released without bail during any time in which the most serious pending count was a misdemeanor and the defendant failed to appear for at least one court appearance during the reporting period.

26. Of all cases in which the defendant was released without bail during any time in which the most serious pending count was a misdemeanor, the percentage in which the defendant failed to appear for at least one court appearance during the reporting period.

27. The number of cases in which the defendant was released without bail during any time in which the most serious pending count was a felony and the defendant failed to appear for at least one court appearance during the reporting period.

28. Of all cases in which the defendant was released without bail during any time in which the most serious pending count was a felony, the percentage in which the defendant failed to appear for at least one court appearance during the reporting period.

29. The number of defendants assigned supervised release at arraignment and the percentage of arraigned defendants who were assigned supervised release.

30. Of all criminal cases in which bail was fixed during the preceding reporting period, the percentage

in which the defendant posted bail, in total and disaggregated by the following bail amounts: (a) $1; (b) $2-$500; (c) $501-$1000; (d) $1001-$2500; (e) $2501-$5000; (f) $5001-$10,000; (g) $10,001-$25,000; (h) $25,001-$50,000; (i) $50,001-$100,000; or (j) more than $100,000.

31. Of all cases in which the defendant was held in the custody of the department of correction on pending criminal charges for any period of time and in which a disposition was reached during the reporting period, the percentage in which the disposition was as follows: (a) conviction for a class A felony disaggregated by offense; (b) conviction for a violent felony; (c) conviction for a non-violent felony; (c) conviction for a misdemeanor; (d) conviction for a non-criminal offense; (e) charges dismissed or adjourned in contemplation of dismissal; or (f) any other disposition.

32. Of all cases in which the defendant was held in the custody of the department of correction on pending criminal charges during the reporting period for any period of time, the percentage in which the status of the criminal case is as follows: (a) the charges are pending and the defendant was released by posting bail; (b) the charges are pending and the defendant was released by court order; (c) the charges are pending and the defendant was not released; (d) conviction for a violent felony; (e) conviction for a non-violent felony; (f) conviction for a misdemeanor; (g) conviction for a non-criminal offense; (h) charges dismissed or adjourned in contemplation of dismissal; or (i) any other disposition.

33. Of the number of [incarcerated individuals] persons in the custody of the department of correction on the last Friday of each calendar month who were held on pending criminal charges during the reporting period, the percentage in which the status of the criminal case on the final day of the reporting period is as follows: (a) the charges are pending and the defendant was released by posting bail; (b) the charges are pending and the defendant was released by court order; (c) the charges are pending and the defendant was not released; (d) conviction for a violent felony; (e) conviction for a non-violent felony; (f) conviction for a misdemeanor; (g) conviction for a non-criminal offense; (h) charges dismissed or adjourned in contemplation of dismissal; or (i) any other disposition.

§ 59. Section 9-307 of the administrative code of the city of New York, as added by local law number 192 for the year 2019, is renumbered section 9-308, and subparagraph (b) of paragraph 1 of subdivision a of such section, are amended to read as follows:

(b) the average and median length of stay of [incarcerated individuals detained pretrial] persons held in custody or incarcerated pending trial, in total and disaggregated by borough of arrest and whether there is a co-occurring parole [violations] violation; and

§ 60. Subdivision (e) of section 11-4021 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

(e) In the alternative, the commissioner of finance may dispose of any cigarettes seized pursuant to this section, except those that violate, or are suspected of violating, federal trademark laws or import laws, by transferring them to the department of correction for sale to or use by [incarcerated individuals] persons in custody or persons incarcerated in such institutions.

§ 61. Section 14-131 of the administrative code of the city of New York is amended to read as follows:

§ 14-131 Accommodations for women. The commissioner shall designate one or more station houses for the detention and confinement of women under arrest in the city. The commissioner shall provide sufficient accommodations for women held under arrest, keep them separate and apart from the cells, corridors and apartments provided for [males] men under arrest, and so arrange each station house that no communication can be had between men and women therein confined, except with the consent of the officer in command of such station house. Officers or employees other than female staff assigned to this detail, shall be admitted to the corridors or cells of the women [prisoners] incarcerated only with the consent of the officer in command of such station house. In every station house to which female members of the force or other female staff are detailed, toilet accommodations shall be provided for female staff, which accommodations shall be wholly separate and apart from the toilet accommodations provided for [prisoners] persons incarcerated, or for male personnel attached to such station house.

§ 62. Section 14-132 of the administrative code of the city of New York is amended to read as follows:

§ 14-132 Proceedings where woman is arrested. Whenever a woman is arrested and taken to a police station, it shall be the duty of the officer in command of the station to cause a female staff member assigned to this detail to be summoned forthwith, and whenever a woman is arrested in any precinct in which no such female staff member is assigned, she shall be taken directly to the station house designated to receive the women [prisoners] in custody of the precinct in which the arrest is made. Such separate confinement, or any such removal of any woman, shall not operate to take from any court any jurisdiction which it would have had. The term "woman" as used in this section and section 14-131 of this title shall not include any female either actually or apparently under the age of sixteen years whose care is assumed by any incorporated society for the prevention of cruelty to children; but every such female detainee under the age of sixteen shall be taken directly to a station house designated to receive women [prisoners] in custody and shall be at once transferred therefrom by the officer in charge, to the custody of such society.

§ 63. Subdivision b of section 14-140 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

b. Custody of property and money. All property or money taken from the person or possession of a [prisoner] person in custody, all property or money suspected of having been unlawfully obtained or stolen or embezzled or of being the proceeds of crime or derived through crime or derived through the conversion of unlawfully acquired property or money or derived through the use or sale of property prohibited by law from being held, used or sold, all property or money suspected of having been used as a means of committing crime or employed in aid or furtherance of crime or held, used or sold in violation of law, all money or property suspected of being the proceeds of or derived through bookmaking, policy, common gambling, keeping a gambling place or device, or any other form of illegal gambling activity and all property or money employed in or in connection with or in furtherance of any such gambling activity, all property or money taken by the police as evidence in a criminal investigation or proceeding, all property or money taken from or surrendered by a

pawnbroker on suspicion of being the proceeds of crime or of having been unlawfully obtained, held or used by the person who deposited the same with the pawnbroker, all property or money which is lost or abandoned, all property or money left uncared for upon a public street, public building or public place, all property or money taken from the possession of a person appearing to be [insane,] affected by mental illness, intoxicated or otherwise incapable of taking care of himself or herself, that shall come into the custody of any member of the police force or criminal court, and all property or money of [incarcerated individuals] persons in the custody of any city hospital, prison or institution except the property found on deceased persons that shall remain unclaimed in its custody for a period of one month, shall be given, as soon as practicable, into the custody of and kept by the property clerk except that vehicles suspected of being stolen or abandoned and evidence vehicles as defined in subdivision b of section 20-495 of the code may be taken into custody in the manner provided for in subdivision b of section 20-519 of the code.

§ 64. Paragraph 2 of subdivision c of section 15-127 of the administrative code of the city of New York is amended to read as follows:

2. Building attendants. In every building used or occupied as a hotel, lodging house or public or private hospital or asylum, there shall be employed by the owner or proprietor, or other person having the charge or management thereof, one or more building attendants, whose exclusive duty it shall be to visit every portion of such building at regular and frequent intervals, under rules and regulations to be established by the commissioner, for the purpose of detecting fire, or other sources of danger, and giving timely warning thereof to the [inmates] occupants of the building. There shall be provided a clock or other device, to be approved by the commissioner, by means of which the movements of such building attendant may be recorded. The commissioner may, however, in his or her discretion, accept an automatic fire alarm system in lieu of such building attendants and time detectors.

§ 65. Subdivision 1 of section 17-162 of the administrative code of the city of New York is amended to read as follows:

1. That the rental of the building was enhanced by reason of the same being used for illegal purposes, or being so overcrowded as to be dangerous or injurious to the health of the [inmates] building's occupants; or

§ 66. Subdivision 1 of section 17-163 of the administrative code of the city of New York is amended to read as follows:

1. Shall in the first case, so far as it is based on rental, be on the rental of the building, as distinct from the ground rent, which would have been obtainable if the building was occupied for legal purposes, and only by the number of persons whom the building, under all circumstances of the case, was fitted to accommodate without such overcrowding as is dangerous or injurious to the health of the [inmates] building's occupants; and

§ 67. Subdivision a of section 17-199 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

a. The department shall submit to the mayor and the speaker of the council no later than July 15, 2015, and every three months thereafter, a report regarding the medical and mental health services provided to [incarcerated individuals] persons incarcerated in city correctional facilities during the previous three calendar months that includes, but need not be limited to:

(i) performance indicators reported to the department by any entity providing such services;

(ii) a description of the methodology used in measuring such performance;

(iii) the metrics utilized to determine whether such performance measures meet targets established by the department and any entity providing such services;

(iv) the results of such determinations; and

(v) any actions that the department has taken or plans to take in response to the data reported, including the imposition of liquidated damages.

§ 68. The definition of "health evaluation" in section 17-1801 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, and the definition of "incarcerated individual" in such section, as amended by local law number 190 for the year 2019, are amended to read as follows:

Health evaluation. The term "health evaluation" means any evaluation of [an incarcerated individual's] a person's health and mental health upon their admission to the custody of the department of correction pursuant to minimum standards of [incarcerated individual] care established by the board of correction.

[Incarcerated Individual. The term "Incarcerated Individual" means any person in the custody of the New York city department of correction.]

§ 69. Section 17-1803 of the administrative code of the city of New York, as added by local law number 124 for the year 2016, and the section heading of such section, as amended by local law number 190 for the year 2019, are amended to read as follows:

§ 17-1803 Health information from screening for [incarcerated individuals] persons incarcerated. The department or its designee shall establish procedures to make available reports received from the New York city police department pursuant to section 14-163 to any health care provider in a department of correction facility conducting a health evaluation, at such time as a health evaluation is conducted.

§ 70. Section 17-1804 of the administrative code of the city of New York is amended to read as follows:

§ 17-1804 Health information exchange for [incarcerated individuals] persons incarcerated. The department or its designee shall establish procedures to obtain the pre-arraignment screening record created pursuant to section 17-1802 and any medical records created and maintained by any hospital in connection with treatment provided to an arrestee who subsequently enters the custody of the department of correction, at the request of any health care provider conducting a health evaluation of such [incarcerated individuals] person incarcerated.

§ 71. Subdivisions b and c of section 17-1805 of the administrative code of the city of New York, as added by local law number 190 for the year 2019, are amended to read as follows:

b. Information sharing with attorneys of individuals diagnosed with serious mental illness in the custody of the department of correction. For each [incarcerated individual] person incarcerated or person in custody who is not sentenced and who is diagnosed with a serious mental illness, correctional health services shall seek

voluntary consent from such [individual] person to share medical information with the attorney of record of such [individual] person within 48 hours of their diagnosis, and provide such information created or obtained pursuant to sections 17-1802 and 17-1804 to the attorney of record for any such [individual] person within five calendar days of obtaining consent from [the individual] such person. Correctional health services shall make a good faith effort to ascertain such [individual's] person's attorney of record, including but not limited to consulting the website maintained by the New York state unified court system, speaking with [the individual] such person, contacting the clerk of the court, or any other reasonable means necessary to identify such [individual's] person's attorney.

c. Confidential medical condition letter. Within five business days prior to any court date indicated by the New York city department of correction's [inmate] information system for persons incarcerated, correctional health services shall provide a confidential medical condition letter to the attorney of record for any [incarcerated individual] person incarcerated to whom subdivision a of this section applies, as permitted by law. Such letter shall include the following information for each such [individual] person:

1. The psychiatric diagnosis.

2. The type of mental health treatment available in the housing area in which [the individual] such person is being housed, including the level of additional support offered in the housing area that facilitates the treatment of [the individual's] such person's psychiatric condition.

3. The prescribed psychiatric medication regimen.

4. Their record of adherence to such medication regimen, including any factors that may have contributed to their record of adherence.

5. A detailed description of their current condition, including but not limited to any reduction in symptoms and any indication that [the individual's] such person's condition has improved or diagnosis changed.

6. Any relevant documentation related to referrals made by correctional health services for the purpose

of discharge planning, if available.

§ 72. Section 21-105 of the administrative code of the city of New York is amended to read as follows:

§ 21-105 Reports and records of institutions. Each such institution caring for destitute and neglected children shall file with the commissioner at the end of every three months a list containing both the names of all the children received or discharged during the month, and the names and residence of the parents and guardians of such children so far as known. Each such institution shall keep a book in which it shall cause to be entered the name and address of each parent, relative or other person visiting [an inmate of] a child residing in such institution who is in whole or in part a charge upon the city, and such name and address shall be entered upon the occasion of each visit by any such person.

§ 73. Section 21-106 of the administrative code of the city of New York is amended to read as follows:

§ 21-106 Payments to private institutions. Payments shall not be made by the city to any charitable, eleemosynary or reformatory institutions wholly or partly under private control, for the care, support, secular education or maintenance of any destitute, neglected or delinquent child therein, except upon the certificate of the commissioner that such child has been received and is retained by such institution pursuant to the rules and regulations established by the state board of social welfare. Moneys paid by the city to any such institution for the care, support, secular education or maintenance of [its inmates] such children shall not be expended for any other purpose. Whenever the commissioner shall decide, after reasonable notice to such institution and a hearing, that any such child who is received and retained in such institution is not a proper charge against the public, and written notice of such decision is given by the commissioner to such institution, thereupon all right on the part of such institution to receive compensation from the city for the further retention of the child shall cease. The commissioner shall file in the office of the department a statement of the reasons for his or her decision and of the facts upon which it is founded, and shall furnish a copy to such institution where the child is detained. The commissioner's decision may be reviewed on certiorari by the supreme court. No money shall be paid out of any appropriation to any charitable, eleemosynary or reformatory institution which shall deny or

limit admission to any destitute, neglected or delinquent children duly committed by the commissioner or a court of appropriate jurisdiction, because of the race, color or religion of such children, provided, however, that no institution of a particular religious faith shall be required to accept children adhering to a religious faith other than its own. The commission on foster care of children shall have the power and continuing duty to investigate and determine, upon complaint made and shall have the power on its own initiative to investigate and determine whether any institution is practicing discrimination in violation of the provisions of the preceding paragraph. The commission may direct that such investigation shall be conducted by one or more of its members or by its secretary or assistant secretary. Whenever in the judgment of the commission, such investigation discloses that there is reason to believe that an institution is practicing discrimination, the commission shall cause a hearing to be held before the commission or before two or more of its members, as it may direct, upon reasonable notice to such institution. The commission shall dismiss the proceedings if it finds upon the basis of such hearing, that such institution is not practicing discrimination. In the event the commission shall find on the basis of such hearing, that such institution is practicing discrimination, it shall certify to the commissioner its findings of fact, together with its determination of the period of time, not to exceed one year, within which the institution shall be permitted to amend its practices and comply with said provisions. The commissioner shall thereupon serve notice of such certification on such institution. All right on the part of such institution to receive moneys from the city shall cease upon the date specified in said certification unless, prior to the expiration thereof, such institution shall have submitted to the commission proof that it has ceased to engage in said violations and the commission shall have found and certified to the commissioner that said institution has complied with said provisions. The institution shall not be deprived of payments for services rendered prior to the date specified in the certification. The determination of the commission that an institution is practicing discrimination, or having been ordered to cease said discrimination has failed to cease, may be reviewed by the supreme court, which may, for good cause shown, during the pendency of such review, stay the termination of the right of such institution to receive moneys from the city.

The commission, or any of its members authorized by it to conduct a hearing, may, at any such hearing, compel the attendance of witnesses, administer oaths, take the testimony of any person under oath and require the production of any evidence relating to the matter in question at the hearing. The department and the corporation counsel are authorized upon request by the commission, to make members of their respective staffs available, upon a temporary basis, to the commission, to assist it in conducting the investigations and hearings provided by this section.

§ 74. Subdivision 2 of section 21-112 of the administrative code of the city of New York is amended to read as follows:

2. All persons [who are inmates] in the custody of private institutions who are accepted by him or her as proper charges upon the city.

§ 75. Section 27-260 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 27-260 Classification. Buildings and spaces shall be classified in the institutional occupancy group when persons suffering from physical limitations because of health or age are harbored therein for care or treatment; when persons are detained therein for penal or correctional purposes; or when the liberty of the [incarcerated individuals] persons incarcerated is restricted. The institutional occupancy group consists of sub groups H-1 and H-2.

§ 76. Note b of table 403.1 of the New York city plumbing code, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

b. Toilet facilities for employees shall be separate from facilities for [incarcerated individuals] persons incarcerated or patients.

§ 77. Section 408.1.1 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

408.1.1 Definition. The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

CELL. A room within a housing unit in a detention or correctional facility used to confine [inmates or

prisoners] persons incarcerated.

CELL TIER. Levels of cells vertically stacked above one another within a housing unit.

HOUSING UNIT. A dormitory or a group of cells with a common dayroom in Group I-3.

SALLYPORT. A security vestibule with two or more doors or gates where the intended purpose is to prevent continuous and unobstructed passage by allowing the release of only one door or gate at a time.

§ 78. Section 1103.2.14 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

1103.2.14. Detention and correctional facilities. In detention and correctional facilities, common use areas that are used only by [inmates or detainees] persons detained or incarcerated and security personnel, and that do not serve holding cells or housing cells required to be accessible pursuant to Section 1107.5.5, are not required to be accessible or to be on an accessible route.

§ 79. Section 1105.1.4 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

1105.1.4. Entrances for [inmates and detainees] persons detained or incarcerated. Where entrances used only by [inmates or detainees] persons detained or incarcerated and security personnel are provided at judicial facilities, detention facilities or correctional facilities, all such entrances shall be accessible.

§ 80. Section 106.4.8 of appendix E of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

E106.4.8. Detention and correctional facilities. In detention and correctional facilities, where a public pay telephone is provided in a secured area used only by [detainees or inmates] persons detained or incarcerated and security personnel, then at least one TTY shall be provided in at least one secured area.

§ 81. This local law takes effect immediately, and within one year of such effective date all agencies shall take such measures as are necessary to replace, in accordance with this local law, the terms “inmate” and “prisoner,” wherever they appear in rules and other official guidance.

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