

Summary of New York Assembly Bill 4410  
on prison inmate self-governance

Prison inmates would be granted a limited control of their lives under New York Assembly Bill 4410. A prisoners' council composed of delegates elected at large and delegates elected in specific districts would be established to administer a fund to be allocated by the legislature. A limit of two one-year terms in a four year period, unrestricted eligibility to vote or seek office, and the absolute right of delegates to attend meetings are attempts to guarantee full representation.

The council would have power to make and amend rules in regard to visiting hours, the purchase of food, personal supplies, clothing, law books and reading matter for inmates; work programs and schedules; management of a canteen operation; the control of an ombudsman paid by the prison department; control of a newspaper for the facility; and matters otherwise devolved by the facility superintendent and/or the prison commission. The council could set up committees, including a grievance committee to investigate complaints and conduct hearings. All inmates have a right to testify at a hearing and the council or committee can inspect facilities.

The council is required to give notice to inmates and the facility superintendent of any action it takes, to submit an annual budget plan to the commissioner, and to report at least annually to the commission, commissioner, governor and legislature on its programs and activities. Except for grievance hearings, which may be kept confidential, council proceedings must be recorded and available for inspection.

Weekly meetings of the council and superintendent are required. Additionally, the superintendent is to notify the commissioner of any council action and submit to the council for its comment any new rule affecting the facility.

To better enable the council to carry out its powers, the commissioner is to make available to the council the services of persons for advise and assistance. The commissioner can stay a council action by notifying the council of the stay and the reasons for it. A stay can be sustained on appeal to the commission only if the action is unlawful in substance, taken without appropriate procedural measures, in excess of jurisdiction, exceeding the budget plan, prohibitively expensive or a threat to security.

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