

RULE REVIEW

State Commission of Correction

As required by Chapter 262 of the Laws of 1996, the following is a list of rules which were adopted by the State Commission of Correction in calendar years 1997, 2002 and 2007 and which must be reviewed in calendar year 2012. Public comment on the continuation or modification of these rules was invited. No comments were received. Based upon the belief that said rules further the Commission's mission to provide for a safe, stable and humane correctional system in New York State, and absent public comment to the contrary, the Commission has determined and hereby gives notice pursuant to State Administrative Procedure Act § 207(4) that the rules listed below shall continue without modification.

CMC-20-97-00023 Amendment of subdivision (f) of section 7002.4 of Title 9 NYCRR.

Analysis of the need for the rule: The rule is needed to provide that money seized from prisoners upon admission to a local correctional facility be placed in the prisoner's facility account.

Legal basis for the rule: Correction Law section 45(6).

CMC-06-97-00098 Amendment of sections 7003.2(a)(2); 7003.2(c)(2); 7003.3(b); 7003.3(d through 1); 7003.3(i); 7003.3(j)(5)(i), (iii).

Analysis of the need for the rule: This rule is needed to eliminate unnecessary record keeping; to provide greater discretion regarding supervision of trustee prisoners; and to facilitate greater interaction between correctional staff and prisoners.

Legal basis for the rule: Correction Law section 45(6).

CMC-20-97-00024 Amendment of subdivision (a) of section 7005.4, section 7005.5 and subdivision (a) of section 7005.9 of Title 9 NYCRR.

Analysis of the need for the rule: This rule is needed to provide greater flexibility to facility administrators regarding hair styles and to streamline provisions.

Legal basis for the rule: Correction Law section 45(6).

CMC-10-97-00024 Amendment of subdivision (a) of section 7006.5 and subdivision (b) of section 7006.11 of Title 9 NYCRR.

Analysis of the need for the rule: This rule is needed to modify unnecessary and burdensome procedures.

Legal basis for the rule: Correction Law section 45(6).

CMC-20-97-00025 Amendment of subdivision (b) of section 7010.2 of Title 9 NYCRR.

Analysis of the need for the rule: This rule is needed to allow local correctional facilities to utilize the results of a physical examination conducted upon a prisoner within six months of his or her admission to the facility.

Legal basis for the rule: Correction Law section 45(6).

CMC-16-97-00005 Amendment of Part 7010.

Analysis of the need for the rule: This rule is needed to allow local correctional facilities to return unused medications.

Legal basis for the rule: Correction Law section 45(6).

CMC-53-96-00017 Amendment of subdivisions (b) and (f) and repeal of subdivision (g) of section 7013.8 of Title 9 NYCRR.

Analysis of the need for the rule: This rule is needed to extend the time period in which the classification of a prisoner must be completed and to eliminate unnecessary and burdensome paperwork.

Legal basis for the rule: Correction Law section 45(6).

CMC-20-97-00022 Repeal of sections 7015.2, 7015.3, 7015.4 and 7015.5; addition of a new 7015.2; renumbering of section 7015.6 as 7015.3; and amendment of the renumbered 7015.3.

Analysis of the need for the rule: This rule is needed to streamline the provisions and eliminate overly detailed requirements.

Legal basis for the rule: Correction Law section 45(6).

CMC-06-97-00097 Amendment of Part 7028 of Title 9 NYCRR.

Analysis of the need for the rule: This rule is needed to permit the restriction of an inmate's exercise period when it is determined that it would be a threat to the safety, security, or good order of the facility, or the safety, security or health of the prisoner or other prisoners.

Legal basis for the rule: Correction Law section 45(6).

CMC-29-97-0003 Amendment of Part 7032 of Title 9 NYCRR.

Analysis of the need for the rule: This rule is needed to curtail the submission of frivolous grievances.

Legal basis for the rule: Correction Law section 45(6).

CMC-10-97-00024 Amendment of Part 7605 of Title 9 NYCRR.

Analysis of the need for the rule: This rule is needed to simplify the requirements regarding development and review of policies and procedures.

Legal basis for the rule: Correction Law section 45(6).

CMC-27-97-00017 Amendment of Part 7621 of Title 9 NYCRR.

Analysis of the need for the rule: This rule is needed to authorize establishment of double occupancy housing units in the Department of Correctional Services' facilities.

Legal basis for the rule: Correction Law section 45(6).

CMC-39-96-00005 Amendment of sections 7634.5(c) and 7634.6(c) and repeal of section 7634.8 of Title 9 NYCRR.

Analysis of the need for the rule: This rule is needed to eliminate an impractical requirement to review training; to eliminate an overly detailed reporting requirement; and to delete unneeded language regarding variances.

Legal basis for the rule: Correction Law section 45(6).

CMC-43-96-00005 Amendment of Part 7651 of Title 9 NYCRR.

Analysis of the need for the rule: This rule is needed to eliminate overly detailed and/or obsolete provisions.

Legal basis for the rule: Correction Law section 45(6).

CMC-05-97-00020 Amendment of subdivision (h) of section 7651.10.

Analysis of the need for the rule: This rule is needed to conform the provisions with Correction Law section 137.

Legal basis for the rule: Correction Law section 45(6).

CMC-52-96-00003 Amendment of section 7677.5 and repeal of subdivisions (b) and (c) of section 7677.3 and subdivisions (b), (c) and (d) of section 7677.11 of Title 9 NYCRR.

Analysis of the need for the rule: This rule is needed to simplify requirements regarding development of policies and procedures and record keeping.

Legal basis for the rule: Correction Law section 45(6).