

Text:

Chapter V of Subtitle AA of Title 9 is renumbered Chapter VI of Subtitle AA of Title 9.

Chapter IV of Subtitle AA of Title 9 is renumbered Chapter V of Subtitle AA of Title 9.

Chapter III of Subtitle AA of Title 9 is renumbered Chapter IV of Subtitle AA of Title 9.

Part 7300 of Title 9 is renumbered Part 7210 of Title 9.

Section 7300.1 of Title 9 is renumbered section 7210.1 of Title 9.

Section 7300.2 of Title 9 is renumbered section 7210.2 of Title 9.

Section 7300.3 of Title 9 is renumbered section 7210.3 of Title 9.

Section 7300.4 of Title 9 is renumbered section 7210.4 of Title 9.

Section 7300.5 of Title 9 is renumbered section 7210.5 of Title 9.

Section 7300.6 of Title 9 is renumbered section 7210.6 of Title 9.

Section 7300.7 of Title 9 is renumbered section 7210.7 of Title 9.

Section 7300.8 of Title 9 is renumbered section 7210.8 of Title 9.

Section 7300.9 of Title 9 is renumbered section 7210.9 of Title 9.

Section 7300.10 of Title 9 is renumbered section 7210.10 of Title 9.

Paragraph (2) of subdivision (l) of section 7013.2 of Title 9 is amended to read as follows:

(2) made a reasonable attempt to find and utilize substitute jail housing pursuant to Part [7300] 7210 of [this Chapter] Title 9 and section 504 of the Correction Law.

Subdivision (e) of section 7210.4 of Title 9 is amended to read as follows:

(e) consistent with the provisions of section [7300.6(e)] 7210.6(e) of this Part, in returning such inmates from a correctional institution under the jurisdiction of the New York State Department of Corrections and Community Supervision to a county jail or penitentiary.

A new Chapter III of Subtitle AA of Title 9 is added to read as follows:

CHAPTER III

Minimum Standards and Regulations for Management of Specialized Secure Juvenile Detention Facilities for Older Youth

A new Part 7303 of Title 9 is added to read as follows:

Part 7303

Construction and Renovation

(Statutory authority: Correction Law §§ 45[6], 46[10])

Sec.

7303.1 Definitions

7303.2 Construction and renovation

7303.1 Definitions.

As used in this Part, the following definitions shall apply to the terms listed below:

(a) *Facility* shall mean a specialized secure juvenile detention facilities for older youth.

(b) *Construction or renovation* shall mean:

(1) all acquisition or designation of a physical plant not originally operated as a facility;

(2) all new facility construction; or

(3) all renovations, additions, or substantial alterations to an existing facility setting which involves physical structure, security, or major fixed equipment changes, other than replacement.

7303.2 Construction and renovation.

(a) All plans and specifications for the construction or renovation of a facility shall be submitted to the State Commission of Correction (the Commission) and the Office of Children and Family Services (OCFS) for review and approval.

(b) Such approval by the Commission and OCFS shall be obtained before a construction or renovation project is advertised for bids. If a bidding procedure will not be followed, Commission and OCFS approval must be obtained before any construction or renovation begins.

A new Part 7304 of Title 9 is added to read as follows:

Part 7304

Certification

(Statutory authority: Correction Law §§ 45[6], 500-p, Executive Law §503[9])

Sec.

7304.1 Definitions

7304.2 Certification required

7304.3 Application for certification

7403.4 Approval, revocation and renewal of certification

7304.1 Definitions.

As used in this Part, the following definitions shall apply to the terms listed below:

(a) *Facility* shall mean a specialized secure juvenile detention facilities for older youth.

(b) *Commission* shall mean the New York State Commission of Correction.

7304.2 Certification required

No facility, subject to regulation, inspection and evaluation by the Commission, shall be operated unless it shall possess valid operating certificates issued by the Office of Children and Family Services (OCFS), and the Commission pursuant to this Part.

7304.3 Application for certification

Any application for an operating certificate pursuant to this Part shall be made upon forms prescribed by the Commission, which shall contain:

- (a) the name of the facility and its location;
- (b) the name and address of the authorized agency, corporation, association, organization, proprietary operator or public agency, who or which operates such facility;
- (c) any plan to collocate a facility with a juvenile secure detention facility;
- (d) the counties to be serviced by the facility;
- (e) a physical description of the facility, including land, buildings and equipment;
- (f) proposed resident capacity;
- (g) a plan and description of staff positions, including duties and qualifications;
- (h) if applicant is a corporation, the names, addresses and occupations of the members of the board of directors;
- (i) the ownership or control of the land and premises, if other than the operator; and
- (k) such other information as may be required.

7403.4 Approval, revocation and renewal of certification

(a) An application shall be approved, and an operating certificate shall be issued, only when the Commission finds that the facility meets, and will be operated in accordance with, the requirements of this Chapter.

(b) Certification shall be granted in writing for a period of not more than two years, and may be revoked at any time by the Commission if it finds the facility to be unsafe, unsanitary, or in violation of the regulations contained in this Chapter.

(c) At least ninety (90) days prior to the expiration an operating certificate, the facility shall refile an application for the renewed issuance of such operating certificate. Any determination by the Commission to renew an operating certificate shall be made in accordance with subdivision (a) of this section.