

7825

2015-2016 Regular Sessions

I N   A S S E M B L Y

May 27, 2015

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Introduced by M. of A. BLAKE, O'DONNELL -- (at request of the State Commission of Correction) -- read once and referred to the Committee on Correction

AN ACT to amend the county law and the correction law, in relation to the correction medical review board's access to inmate autopsies

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 5 of section 674 of the county law, as amended  
2     by chapter 491 of the laws of 1987, is amended to read as follows:  
3     5. [The] NOTWITHSTANDING SECTION SIX HUNDRED SEVENTY OF THIS ARTICLE  
4     OR ANY OTHER PROVISION OF LAW, THE coroner, coroner's physician or  
5     medical examiner shall promptly perform or cause to be performed an  
6     autopsy and to prepare an autopsy report which shall include a toxico-  
7     logical report and any report of any examination or inquiry with respect  
8     to any death occurring within his county to an inmate of a correctional  
9     facility as defined by subdivision three of section forty of the  
10    correction law, whether or not the death occurred inside such facility.  
11    S 2. Subdivision 6 of section 677 of the county law, as amended by  
12    section 1 of part C of chapter 501 of the laws of 2012, is amended to  
13    read as follows:  
14    6. [The] NOTWITHSTANDING SECTION SIX HUNDRED SEVENTY OF THIS ARTICLE  
15    OR ANY OTHER PROVISION OF LAW, THE coroner, coroner's physician or  
16    medical examiner shall promptly provide the chairman of the correction  
17    medical review board and the commissioner of [correctional services]  
18    CORRECTIONS AND COMMUNITY SUPERVISION with copies of any autopsy report,  
19    toxicological report or any report of any examination or inquiry  
20    prepared with respect to any death occurring to an inmate of a correc-  
21    tional facility as defined by subdivision three of section forty of the  
22    correction law within his county; and shall promptly provide the execu-  
23    tive director of the justice center for the protection of people with  
24    special needs with copies of any autopsy report, toxicology report or

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

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1 any report of any examination or inquiry prepared with respect to the  
2 death of any service recipient occurring while he or she was a resident  
3 in any facility operated, licensed or certified by any agency within the  
4 department of mental hygiene, the office of children and family  
5 services, the department of health or the state education department. If  
6 the toxicological report is prepared pursuant to any agreement or  
7 contract with any person, partnership, corporation or governmental agen-  
8 cy with the coroner or medical examiner, such report shall be promptly  
9 provided to the chairman of the correction medical review board, the  
10 commissioner of [correctional services] CORRECTIONS AND COMMUNITY SUPER-  
11 VISION or the executive director of the justice center for people with  
12 special needs, as appropriate, by such person, partnership, corporation  
13 or governmental agency.

14 S 3. Subdivision 3 of section 46 of the correction law, as added by  
15 chapter 865 of the laws of 1975, is amended to read as follows:

16 3. In any case where a person in charge or control of a correctional  
17 facility or an officer or employee thereof shall fail to comply with the  
18 provisions of subdivision one, OR IN ANY CASE WHERE A CORONER, CORONER'S  
19 PHYSICIAN OR MEDICAL EXAMINER SHALL FAIL TO COMPLY WITH THE PROVISIONS  
20 OF SUBDIVISION SIX OF SECTION SIX HUNDRED SEVENTY-SEVEN OF THE COUNTY  
21 LAW, the commission may apply to the supreme court for an order directed  
22 to such person requiring compliance therewith. Upon such application the  
23 court may issue such order as may be just and a failure to comply with  
24 the order of the court shall be a contempt of court and punishable as  
25 such.

26 S 4. This act shall take effect immediately.