

STATE OF NEW YORK

6374

2021-2022 Regular Sessions

IN ASSEMBLY

March 16, 2021

Introduced by M. of A. JACKSON -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to prohibiting corrections employees from participating in degrading behavior towards incarcerated persons or fellow employees

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 5 of section 137 of the correction law, as
2 added by chapter 476 of the laws of 1970, is amended to read as follows:

3 5. No ~~[inmate]~~ incarcerated person in the care or custody of the
4 department shall be subjected to degrading, racist or discriminatory
5 treatment, and no officer or other employee of the department shall
6 inflict any blows whatever upon any ~~[inmate]~~ incarcerated person, unless
7 in self defense, or to suppress a revolt or insurrection. When any
8 ~~[inmate, or group of inmates,]~~ incarcerated person shall offer violence
9 to any person, or do or attempt to do any injury to property, or attempt
10 to escape, or resist or disobey any lawful direction, the officers and
11 employees shall use all suitable means to defend themselves, to maintain
12 order, to enforce observation of discipline, to secure the persons of
13 the offenders and to prevent any such attempt or escape. No employee of
14 the department shall insult an incarcerated person or department employ-
15 ee by calling such individual a degrading name or otherwise engaging in
16 treatment intended to humiliate, offend, provoke or denigrate such
17 person based on the individual's age, race, creed, color, national
18 origin, sexual orientation, gender identity or expression, military
19 status, sex, disability, predisposing genetic characteristics, or the
20 nature of the individual's crime of conviction. Any employee who engages
21 in such degrading treatment of an incarcerated individual or another
22 employee shall be disciplined by the department and may have their
23 employment terminated for cause.

24 § 2. This act shall take effect on the ninetieth day after it shall
25 have become a law.

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

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