

STATE OF NEW YORK

3781--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 30, 2025

Introduced by M. of A. WEPRIN, HUNTER, BURDICK, GONZALEZ-ROJAS, MEEKS, KELLES, SHRESTHA, FORREST, ALVAREZ -- read once and referred to the Committee on Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law, in relation to correctional facility visits by the correctional association

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

1 Section 1. Legislative findings. Founded in 1844 by concerned citizens
2 of the state and deputized by the state to provide independent monitor-
3 ing and oversight of the state's prisons in 1846, the Correctional Asso-
4 ciation of New York is one of the first organizations in the country
5 created to administer civilian oversight of prisons to ensure greater
6 transparency of correctional institutions in the state. The Correctional
7 Association of New York's on-site access to the state's prisons and to
8 information on state prisons is critical for the organization to provide
9 insight into the policies and procedures of the state's prisons through
10 its monitoring and reporting on prison conditions, policies, and proce-
11 dures for the executive, legislature, and public, playing an important
12 role in informing debates on correctional reform and incarcerated indi-
13 viduals' rights.

14 § 2. Subdivision 3 of section 146 of the correction law, as amended by
15 chapter 32 of the laws of 2021, paragraph b as amended by chapter 486 of
16 the laws of 2022, is amended to read as follows:

17 3. a. Notwithstanding any other provision of law to the contrary, the
18 correctional association shall be permitted to access, visit, inspect,
19 and examine all state correctional facilities [~~with seventy-two hours~~
20 ~~advance~~] with no notice to the department. Up to twelve people may
21 comprise the visiting party; provided, however, that only four people
22 from the party may enter a special housing facility or unit at the same
23 time. Prior to the visitation authorized pursuant to this subdivision,

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

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1 the correctional association shall provide to the department on, at
2 least, an annual basis a list of people who will be visiting the facili-
3 ty or facilities, including names, dates of birth, driver's license
4 numbers and their designation as an employee, board member, or designee
5 in order for the department to perform prompt background checks. The
6 department may not place restrictions on such visits and inspections,
7 including during periods when a facility is locked down or experiencing
8 a facility wide emergency[~~— In addition, the department may~~]; provided,
9 however, that the department may restrict access to a portion of a
10 facility in an emergency situation for the duration of the emergency.
11 For the purpose of this subdivision, an emergency shall be determined by
12 the commissioner or [~~his or her~~] the commissioner's designee and defined
13 as a significant risk to the safety or security of the facility, or the
14 health, safety or security of staff or incarcerated individuals, or an
15 event that significantly compromises the operations of the facility.

16 b. [~~Upon twenty four hours advance notice, at~~] At the commencement and
17 conclusion of any visits to, or inspections and examinations of, state
18 correctional facilities, the superintendent and executive team, to the
19 extent practicable and upon request by the correctional association,
20 shall meet with the correctional association. [~~Upon twenty four hours~~
21 ~~advance notice, the~~] Privately without representatives of the central
22 office present, representatives of the office of mental health and any
23 other entities or agencies providing services in a facility shall meet
24 with the correctional association, upon the correctional association's
25 request during the course of any visit. The correctional association may
26 meet privately with the incarcerated individual liaison committee and
27 representatives of the incarcerated individual grievance resolution
28 committee or any other organization of incarcerated individuals recog-
29 nized by the department.

30 c. During the course of any such visit, inspection or examination, and
31 upon consent of the person being interviewed, the correctional associ-
32 ation shall have the power to interview and converse publicly or confi-
33 dentially with any correctional employee or administrator, any incarcer-
34 ated individual, and any other person providing, supervising, or
35 monitoring services in a correctional facility, whether or not employed
36 by such facility. Such interviews shall not be restricted by the depart-
37 ment or the office of mental health or any other agency or attended by
38 anyone on behalf of the department or the office of mental health or any
39 other agency, nor shall there be any retaliation or adverse action taken
40 by the department or other state agency against [~~any incarcerated indi-~~
41 ~~vidual~~] anyone who [~~agrees to speak~~] speaks with the correctional asso-
42 ciation. The department may not limit the number of individuals the
43 correctional association may interview or the duration of the inter-
44 views, in any manner unreasonable under the circumstances. The correc-
45 tional association shall have the power to conduct private, confidential
46 meetings reasonable in number under [~~the~~] a facility's immediate circum-
47 stances at their pleasure and without notice to the department with
48 incarcerated [~~people~~] individuals in housing units and in attorney
49 visiting rooms or other rooms in the facility in which their conversa-
50 tions will remain confidential. No department employee may attend or
51 listen to any such meeting without the consent of the correctional asso-
52 ciation.

53 d. The correctional association may request and receive from the
54 department information and data as will enable the correctional associ-
55 ation to carry out its functions, powers and duties.

1 The correctional association shall have access to the following infor-
2 mation and records on a quarterly basis:

3 (i) individuals admitted into custody, which shall contain, at mini-
4 mum, individual-level records of all individuals admitted to custody,
5 including the individual's department ID, demographic information,
6 admission type, reception facility name and housing unit, reception
7 date, sentencing, and crime information;

8 (ii) individuals under custody, which shall contain, at minimum, indi-
9 vidual-level records of all individuals presently under custody, includ-
10 ing the individual's department ID, demographic information, current
11 facility name and housing unit, date of original and latest reception at
12 the facility, out counts, sentencing and crime information, and parole
13 eligibility and relevant dates;

14 (iii) individuals released from custody, which shall contain, at mini-
15 mum, individual-level records of all individuals released from custody,
16 including the individual's department ID, demographic information,
17 releasing facility name and housing unit, release date, release county,
18 sentencing and crime information, and parole eligibility and relevant
19 dates;

20 (iv) individuals on parole, which shall contain, at minimum, individu-
21 al-level records of all individuals on parole, including the individ-
22 ual's department ID, demographic information, discharging facility name
23 and housing unit, start and release date, sentencing and crime informa-
24 tion, custody status, and voting pardon status;

25 (v) programming, education, vocational, and work assignment require-
26 ments, enrollment, and fulfillment, which shall contain, at minimum,
27 individual-level records of all individuals under custody, including the
28 individual's department ID, programs mandated by the department, and
29 indicators of whether the individual is not enrolled, is on the wait-
30 list, or has already completed any such requirement;

31 (vi) departmental staffing levels, which shall contain, at minimum,
32 facility-level records of budgeted fill level, recommended staffing
33 level, and actual filled items split by job category, including aggre-
34 gate data on staff on leave, and on the average of daily closed posts
35 for each quarter;

36 (vii) deaths, which shall contain, at minimum, individual-level
37 records of all individuals who died while under custody, including the
38 individual's department ID, date and time of death, date of report,
39 demographic information, facility name and housing unit at time of
40 death, location of terminal incident, reported immediate cause of death,
41 and an indicator of whether an autopsy was performed;

42 (viii) unusual incidents, which shall contain, at minimum, report-lev-
43 el information for all unusual incidents, as defined by the department
44 at the current time, including the incident code, the name and code of
45 the facility where the incident took place, the date and time of the
46 incident, the location within the facility, the name and code of the
47 categories and subcategories indicated in the report, the roles of all
48 individuals involved in the report (including incarcerated and nonincar-
49 cerated individuals), the weapons used by each individual, if applica-
50 ble, the type of force applied by department staff on each individual,
51 if applicable, and the degree of injury to staff and incarcerated indi-
52 viduals;

53 (ix) disciplinary charges and penalties, which shall contain, at mini-
54 mum, charge-level information for all disciplinary incidents, including:
55 the incarcerated individual's department ID and facility name; the
56 location, date, and time of the incident; the tier, code, and

1 description of each charge; the date of the hearing; and the outcome and
2 penalty associated with each charge; and

3 (x) grievances and appeals, which shall contain, at minimum, griev-
4 ance-level information for all grievances filed with the department,
5 including those resolved informally, including: the incarcerated indi-
6 vidual's department ID; ID, date filed, category, type, and facility of
7 the grievance; and the outcomes and outcome dates for all reviews,
8 including those by the incarcerated grievance resolution committee,
9 superintendent, and central office review committee.

10 e. The correctional association shall periodically, but not less than
11 every five years, conduct inspections of each state correctional facili-
12 ty, prioritized based on the correctional association's assessment of
13 systemic issues, and ~~[shall]~~ issue reports and recommendations to the
14 governor, the legislature and the public about the conditions and issues
15 at ~~[each such facility]~~ correctional facilities. When preparing such
16 formal reports and recommendations, the correctional association shall
17 submit a tentative copy of such report and recommendations to the
18 commissioner. The commissioner may submit a written response to such
19 tentative report within sixty days of the receipt thereof, including a
20 plan of action for addressing the findings and recommendations. When the
21 correctional association thereafter submits its final report and recom-
22 mendations, it shall contain a complete copy of the response, if any,
23 submitted to the tentative report and recommendations.

24 ~~[e-]~~ f. The correctional association may send written and/or electron-
25 ic surveys or questionnaires to people in custody or employees concern-
26 ing conditions of confinement, working conditions, or other subjects
27 within the scope of their mission without prior approval of the depart-
28 ment. People incarcerated shall be permitted to confidentially complete
29 and return to the correctional association such surveys either in writ-
30 ten format or electronically. The correctional association may also
31 receive free confidential phone calls and emails from incarcerated indi-
32 viduals and/or set up a confidential hotline for individuals to use if
33 they choose to contact them. Physical mail received and sent to the
34 correctional association is defined as privileged correspondence, and
35 any and all processing controls, allowances for limited free postage,
36 and advances of incarcerated individual funds for postage shall apply to
37 privileged correspondence received and sent to the correctional associ-
38 ation. For the purposes of this section, identical incoming blank
39 surveys and questionnaires shall not be defined as privileged corre-
40 spondence.

41 ~~[f-]~~ g. The access, visits, and inspection of state correctional
42 facilities by the correctional association pursuant to this subdivision
43 shall be undertaken solely in furtherance of the correctional associ-
44 ation's lawful powers, duties and obligations, and information obtained
45 pursuant to these powers shall be used solely in furtherance of the
46 correctional association's mission. Employees, board members and desig-
47 nees shall be required to sign ~~[a waiver]~~ an acknowledgement of the
48 foregoing as a condition of entry into a correctional facility pursuant
49 to this subdivision.

50 § 3. This act shall take effect immediately.