

# STATE OF NEW YORK

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8825

## IN SENATE

January 8, 2026

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Introduced by Sen. SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the correction law and the executive law, in relation to the disclosure of video footage and audio recordings related to the death of an incarcerated individual involving certain correction officers or peace officers (Part A); to amend the correction law, in relation to establishing comprehensive camera coverage for covered facilities and covered vehicles; and to repeal certain provisions of the correction law relating to requiring institutions and local correctional facilities to adhere to certain camera footage, recording and investigation standards (Part B); to amend the correction law, in relation to next of kin notifications where the death of an incarcerated individual occurs (Part C); to amend a chapter of the laws of 2025 directing the state commission of correction to conduct a comprehensive study on deaths in state correctional facilities within New York state, as proposed in legislative bill numbers S. 8415 and A. 8871, in relation to the time within which the state commission of correction shall issue a report of the findings of such study (Part D); to amend the county law, in relation to providing access to microscopic slides upon request for certain autopsies (Part E); intentionally omitted (Part F); to amend the correction law, in relation to data on substantiated, unfounded, and unsubstantiated allegations received by the office of special investigations (Part G); to amend the correction law, in relation to membership of the state commission of correction; and to amend a chapter of the laws of 2025 amending the correction law relating to the membership of the state commission of correction, as proposed in legislative bill numbers S. 8415 and A. 8871, in relation to the effectiveness thereof (Part H); to amend the correction law, in relation to correctional facility visits by the correctional association (Part I); and to amend the civil practice law and rules, the general municipal law and the court of claims act, in relation to the tolling of statute of limitations for individuals in state custody; to amend part J of a chapter of the laws of 2025 amending the civil practice law and rules, the general municipal law and the court of claims act relating to the tolling of statute of limitations for individuals in state custody, as proposed in legislative bill numbers S. 8415 and A. 8871, in relation to the effectiveness

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

LBD13360-03-6

thereof; and to repeal certain provisions of the general municipal law relating thereto (Part J)

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

1 Section 1. This act enacts into law major components of legislation  
2 necessary to implement updates to the omnibus bill of 2025 related to  
3 correctional services in the state of New York. Each component is wholly  
4 contained within a Part identified as Parts A through J. The effective  
5 date for each particular provision contained within such Part is set  
6 forth in the last section of such Part. Any provision in any section  
7 contained within a Part, including the effective date of the Part, which  
8 makes a reference to a section "of this act", when used in connection  
9 with that particular component, shall be deemed to mean and refer to the  
10 corresponding section of the Part in which it is found. Section three of  
11 this act sets forth the general effective date of this act.

12

## PART A

13 Section 1. Section 22-b of the correction law, as added by a chapter  
14 of the laws of 2025 amending the correction law relating to requiring  
15 the disclosure of video footage related to the death of an incarcerated  
16 individual involving a correctional officer, as proposed in legislative  
17 bill numbers S. 8415 and A. 8871, is amended to read as follows:

18 § 22-b. Disclosure of video footage related to the death of incarcer-  
19 ated individuals involving [~~correctional~~] correction officers or peace  
20 officers employed by the department. 1. Definition. As used in this  
21 section the term "video footage" shall include, but not be limited to,  
22 recordings from fixed or stationary cameras, body-worn cameras, handheld  
23 devices, or any other recording equipment maintained or used by correc-  
24 tional staff within an institution or correctional facility.

25 2. Duty to disclose. The department shall disclose to the attorney  
26 general's office of special investigation any video footage that such  
27 office deems to be related to the death of an incarcerated individual.  
28 This shall include any case in which the attorney general's office of  
29 special investigation determines the death involves a [~~correctional~~]  
30 correction officer or peace officer employed by the department.

31 3. Timeframe for disclosure. [~~Such video footage shall be disclosed~~  
32 ~~within seventy-two hours of the occurrence of the death~~] The commission-  
33 er or commissioner's designee shall make reasonable good faith efforts  
34 to ascertain the existence of and obtain any relevant video footage or  
35 audio recordings that existed or that may be related to the death and  
36 shall disclose such video footage or audio records within seventy-two  
37 hours of the occurrence of the death. If the commissioner or commission-  
38 er's designee learns of additional video footage or audio recordings  
39 which are related to the death, the commissioner or commissioner's  
40 designee shall disclose such recordings within twenty-four hours of such  
41 discovery and provide the circumstances surrounding the discovery of  
42 such records to the attorney general's office of special investigations.

43 4. Redactions and exceptions. [~~(a)~~] No redactions shall be made to the  
44 video footage before it is disclosed to the attorney general's office of  
45 special investigation. [~~The attorney general's office of special inves-~~  
46 ~~tigation shall maintain the confidentiality of all video footage and~~

1 ~~will determine redactions pursuant to its published video release poli-~~  
2 ~~cy.~~

3 ~~(b) Disclosure may be delayed only if the attorney general's office of~~  
4 ~~special investigation certifies that such disclosure would compromise an~~  
5 ~~ongoing criminal investigation or prosecution. Such delay shall not~~  
6 ~~exceed ninety days without additional certification.]~~

7 § 2. Section 500-q of the correction law, as added by a chapter of the  
8 laws of 2025 amending the correction law relating to requiring the  
9 disclosure of video footage related to the death of an incarcerated  
10 individual involving a correctional officer, as proposed in legislative  
11 bill numbers S. 8415 and A. 8871, is amended to read as follows:

12 § 500-q. Disclosure of video footage related to the death of incarcer-  
13 ated individuals involving [~~correctional~~] correction officers or peace  
14 officers employed at a local correctional facility. 1. Definition. As  
15 used in this section, "video footage" shall include, but not be limited  
16 to, recordings from fixed or stationary cameras, body-worn cameras,  
17 handheld devices, or any other recording equipment maintained or used  
18 by correctional staff within a local correctional facility.

19 2. Duty to disclose. Any local correctional facility shall disclose to  
20 the attorney general's office of special investigation any video  
21 footage that such office deems to be related to the death of an incar-  
22 cerated individual. This shall include any case in which the attor-  
23 ney general's office of special investigation determines the death  
24 involves a [~~correctional~~] correction officer or peace officer employed  
25 at a local correctional facility.

26 3. Timeframe for disclosure. [~~Such video footage shall be disclosed~~  
27 ~~within seventy-two hours of the occurrence of the death]~~ The chief  
28 administrative officer of the local correctional facility or chief  
29 administrative officer's designee shall make reasonable good faith  
30 efforts to ascertain the existence of and obtain any relevant video  
31 footage or audio recordings that existed or that may be related to the  
32 death and shall disclose such video footage or audio records within  
33 seventy-two hours of the occurrence of the death. If the chief adminis-  
34 trative officer of the local correctional facility or chief administra-  
35 tive officer's designee subsequently learns of additional video footage  
36 or audio recordings which are related to the death, the chief adminis-  
37 trative officer or the chief administrative officer's designee shall  
38 disclose such recordings within twenty-four hours of such discovery and  
39 provide the circumstances surrounding the discovery of such records to  
40 the attorney general's office of special investigations.

41 4. Redactions and exceptions. [~~(a)~~] No redactions shall be made to the  
42 video footage before it is disclosed to the attorney general's office of  
43 special investigation. [~~The attorney general's office of special inves-~~  
44 ~~tigation shall maintain the confidentiality of all video footage and~~  
45 ~~will determine redactions pursuant to its published video release poli-~~  
46 ~~cy.~~

47 ~~(b) Disclosure may be delayed only if the attorney general's office of~~  
48 ~~special investigation certifies that such disclosure would compromise an~~  
49 ~~ongoing criminal investigation or prosecution. Such delay shall not~~  
50 ~~exceed ninety days without additional certification.]~~

51 § 3. Section 70-b of the executive law is amended by adding a new  
52 subdivision 3-a to read as follows:

53 3-a. (a) The attorney general shall maintain the confidentiality of  
54 all video footage and audio recordings received and reviewed.

55 (b) Disclosure of any audio recordings or video footage shall be  
56 delayed, at the attorney general's discretion, only if such a disclosure

1 would compromise an ongoing criminal investigation or prosecution, or at  
2 the request of the decedent's family.

3 (c) Redactions of audio records or video footage shall be made pursu-  
4 ant to its video release policy.

5 (d) Nothing in this subdivision shall be construed to prohibit or  
6 restrict the disclosure of audio recordings or video footage to any  
7 person or entity otherwise lawfully entitled to receive such recordings  
8 or footage pursuant to law, court order, or lawful process.

9 § 4. This act shall take effect on the same date and in the same  
10 manner as part A of a chapter of the laws of 2025 amending the  
11 correction law relating to requiring the disclosure of video footage  
12 related to the death of an incarcerated individual involving a correc-  
13 tional officer, as proposed in legislative bill numbers S. 8415 and A.  
14 8871, takes effect.

15 PART B

16 Section 1. Section 628 of the correction law, as added by a chapter of  
17 the laws of 2025 relating to requiring institutions and local correc-  
18 tional facilities to adhere to certain camera footage, recording and  
19 investigation standards, as proposed in legislative bill numbers S.  
20 8415 and A. 8871, is REPEALED.

21 § 2. The correction law is amended by adding a new section 135-a to  
22 read as follows:

23 § 135-a. Fixed camera coverage. 1. Definitions. For the purposes of  
24 this section, the following terms shall have the following meanings:

25 (a) "Covered facility" means any institution or correctional facility  
26 operated by the department of corrections and community supervision.

27 (b) "Covered vehicle" means any vehicle used for the transport of  
28 incarcerated individuals.

29 (c) "Comprehensive camera coverage" means the installation, operation,  
30 and maintenance of fixed or stationary cameras sufficient to capture,  
31 without complete fixed obstruction, audio and clear visual footage of  
32 the activities and movement of all persons within all housing units,  
33 common areas, medical units, corridors, program and service areas,  
34 entrances, exits, and other spaces in which incarcerated individuals are  
35 present in each such covered facility, operating twenty-four hours a  
36 day, with the exception of the interior of cells, showers, and toilet  
37 areas and operating within each covered vehicle at any time such vehicle  
38 is occupied by any individual.

39 (d) "Recording request" means a formal request for access to fixed or  
40 stationary camera footage made by legal representatives, prosecutors,  
41 defendants, or their counsel, relevant to any investigation or legal  
42 proceeding involving a covered facility.

43 2. Within one hundred eighty days of the effective date of this  
44 section, the commissioner shall develop a plan to establish comprehen-  
45 sive camera coverage for each covered facility and within each covered  
46 vehicle, which shall include the financial and operational feasibility  
47 of establishing such coverage and storing and retaining footage of such  
48 coverage, as well as reasonable projected timelines for implementation  
49 at each facility. Upon completion of the written plan, the commissioner  
50 shall promptly transmit the plan to the speaker of the assembly, the  
51 temporary president of the senate, and the governor.

52 3. Following transmission of the written plan required pursuant to  
53 subdivision two of this section, the commissioner shall immediately take  
54 all reasonable and necessary steps to commence implementation of the

1 plan and to establish comprehensive camera coverage at each covered  
2 facility and within each covered vehicle in accordance with the time-  
3 lines set forth therein, subject to the availability of appropriated  
4 funds. Nothing in this section shall be construed to prohibit or  
5 discourage the commissioner from initiating implementation of any compo-  
6 nent of the plan prior to such transmission.

7 4. Within one hundred eighty days of the effective date of this  
8 section, the commissioner shall promulgate rules and regulations to  
9 ensure that once a covered facility or covered vehicle has been equipped  
10 with comprehensive camera coverage, such covered facility or covered  
11 vehicle shall maintain a consistent state of coverage. Such rules and  
12 regulations shall, at a minimum, include:

13 (a) routine inspection of camera placement, functionality, image qual-  
14 ity, and data retention;

15 (b) protocols for addressing non-functioning cameras, including  
16 reasonable timeframes for repair or replacement;

17 (c) procedures for documenting and investigating equipment failures or  
18 gaps in coverage, including blind spots;

19 (d) requirements for retention, storage, and secure access to camera  
20 footage, including a minimum retention period of no less than sixty days  
21 for all footage, and a requirement that any footage related to an inves-  
22 tigation by the department's office of special investigations regarding  
23 an allegation of staff misconduct or criminal activity be preserved for  
24 no less than five years, or longer if required by law, investigation,  
25 litigation hold, or administrative proceeding; and

26 (e) regular review of camera systems to ensure continued effectiveness  
27 in promoting safety, accountability, and facility operations.

28 5. Fixed or stationary camera footage from covered facilities and  
29 covered vehicles under this section shall be provided if a formal  
30 recording request is made and accompanied by a valid subpoena or a court  
31 order issued by a court of competent jurisdiction. Nothing in this  
32 subdivision shall be construed to prohibit or restrict the disclosure of  
33 audio recordings or video footage to any person or entity otherwise  
34 lawfully entitled to receive such recordings or footage pursuant to law,  
35 court order, or lawful process.

36 6. The office of the state inspector general may receive and investi-  
37 gate complaints from any source, or upon the inspector general's own  
38 initiative, concerning allegations of failure to adhere to the  
39 provisions of this section. The office of the state inspector general  
40 may also conduct audits of covered facilities, as appropriate, to ensure  
41 compliance with this section.

42 7. The commissioner shall make an annual report to the speaker of the  
43 assembly, the temporary president of the senate, the governor, and the  
44 state inspector general of the actions taken pursuant to this section  
45 including, but not limited to, documentation of incidents and investi-  
46 gations regarding equipment failures or gaps in coverage beginning one  
47 year after the effective date of this section; provided, however, that  
48 the report shall be prepared in a manner that does not undermine or  
49 compromise facility security, the safety of staff or incarcerated indi-  
50 viduals, or ongoing investigations.

51 § 3. This act shall take effect immediately.

52 PART C

53 Section 1. Section 624 of the correction law, as amended by part C of  
54 a chapter of the laws of 2025 amending the correction law relating to

1 providing notice of the death of an incarcerated individual occurring in  
2 the custody of the department of corrections and community supervision,  
3 as proposed in legislative bill numbers S. 8415 and A. 8871, is amended  
4 to read as follows:

5 § 624. Next of kin; death of incarcerated individual. 1. (a) The  
6 department shall promptly notify the next of kin and any other person  
7 designated as the representative of any incarcerated individual whose  
8 death takes place during custody.

9 (b) The department shall promptly notify the next of kin and any other  
10 person designated as a representative of the circumstances surrounding  
11 the death of such incarcerated individual, the medical procedures used  
12 and the cause of death [~~including preliminary determinations and final~~  
13 ~~determination~~] as reported [~~by an~~] in the final autopsy report as such  
14 information becomes available. The department shall be responsive to  
15 inquiries from the next of kin and other person designated as the repre-  
16 sentative regarding the preliminary determination.

17 (c) The next of kin and other person designated as a representative  
18 shall be identified from the emergency contact information previously  
19 provided by the incarcerated individual to the department.

20 2. Within [~~twenty-four~~] forty-eight hours after the next of kin and  
21 any other person designated as a representative has been notified of  
22 such death, the department shall publish public notice of such death on  
23 the department's website.

24 § 2. This act shall take effect on the same date and in the same  
25 manner as section 2 of part C of a chapter of the laws of 2025 amending  
26 the correction law relating to providing notice of the death of an  
27 incarcerated individual occurring in the custody of the department of  
28 corrections and community supervision, as proposed in legislative bill  
29 numbers S. 8415 and A. 8871, takes effect.

30 PART D

31 Section 1. Section 2 of part D of a chapter of the laws of 2025  
32 directing the state commission of correction to conduct a comprehensive  
33 study on deaths in state correctional facilities within New York state,  
34 as proposed in legislative bill numbers S. 8415 and A. 8871, is amended  
35 to read as follows:

36 § 2. Within [~~one year~~] eighteen months of the effective date of this  
37 act, the state commission of correction shall issue a report of the  
38 findings of the study to the governor, the temporary president of the  
39 senate and the speaker of the assembly.

40 § 2. This act shall take effect on the same date and in the same  
41 manner as part D of a chapter of the laws of 2025 directing the state  
42 commission of correction to conduct a comprehensive study on deaths in  
43 state correctional facilities within New York state, as proposed in  
44 legislative bill numbers S. 8415 and A. 8871, takes effect.

45 PART E

46 Section 1. Subdivision 6 of section 677 of the county law, as amended  
47 by section 3 of part E of a chapter of the laws of 2025 amending the  
48 county law relating to requiring autopsy reports to include photographs,  
49 microscopic slides, and post-mortem x-rays taken by, at the direction  
50 of, or reviewed by the person performing the autopsy, as proposed in  
51 legislative bill numbers S. 8415 and A. 8871, is amended to read as  
52 follows:

1 6. Notwithstanding section six hundred seventy of this article or any  
2 other provision of law, the coroner, coroner's physician or medical  
3 examiner shall promptly provide the [~~chairperson~~] chair of the  
4 correction medical review board and the commissioner of corrections and  
5 community supervision with copies of any autopsy report, toxicological  
6 report or any report of any examination or inquiry prepared with respect  
7 to any death occurring to an incarcerated individual of a correctional  
8 facility as defined by subdivision three of section forty of the  
9 correction law within their county; and shall promptly provide the execu-  
10 tive director of the justice center for the protection of people with  
11 special needs with copies of any autopsy report, toxicology report or  
12 any report of any examination or inquiry prepared with respect to the  
13 death of any service recipient occurring while such person was a resi-  
14 dent in any facility operated, licensed or certified by any agency with-  
15 in the department of mental hygiene, the office of children and family  
16 services, the department of health or the state education department. If  
17 the toxicological report is prepared pursuant to any agreement or  
18 contract with any person, partnership, corporation or governmental agen-  
19 cy with the coroner or medical examiner, such report shall be promptly  
20 provided to the [~~chairperson~~] chair of the correction medical review  
21 board, the commissioner of corrections and community supervision or the  
22 executive director of the justice center for the protection of people  
23 with special needs, as appropriate, by such person, partnership, corpo-  
24 ration or governmental agency. For the purposes of this subdivision, in  
25 addition to anything else required by law, [~~an~~] the copy of the autopsy  
26 report shall include all photographs of the body[~~, microscopic slides,~~]  
27 and post-mortem x-rays taken by or at the direction of the person  
28 performing the autopsy, and all photographs[~~, microscopic slides,~~] and  
29 post-mortem x-rays reviewed by the person performing the autopsy in the  
30 course of their examination or in the course of their diagnosis of the  
31 cause of death and the means or manner of death. Such copy of the  
32 autopsy report may also include images of all microscopic slides taken  
33 by or at the direction of the person performing the autopsy and images  
34 of all microscopic slides reviewed by the person performing the autopsy  
35 in the course of their examination or in the course of their diagnosis  
36 of the cause of death and the means or manner of death. If such images  
37 of microscopic slides are not included in the copy of the autopsy report  
38 provided pursuant to this subdivision, the copy of the autopsy report  
39 shall indicate that such images of microscopic slides have been omitted,  
40 and, upon request of the chair of the correction medical review board,  
41 the commissioner of corrections and community supervision or the execu-  
42 tive director of the justice center for the protection of people with  
43 special needs, a coroner, coroner's physician or medical examiner shall  
44 promptly provide access to inspect such microscopic slides or, where  
45 practicable, provide images of such microscopic slides.

46 § 2. This act shall take effect on the same date and in the same  
47 manner as part E of a chapter of the laws of 2025 amending the county  
48 law relating to requiring autopsy reports to include photographs, micro-  
49 scopic slides, and post-mortem x-rays taken by, at the direction of, or  
50 reviewed by the person performing the autopsy, as proposed in legisla-  
51 tive bill numbers S. 8415 and A. 8871, takes effect.

52

PART F

53

Intentionally Omitted

1

## PART G

2 Section 1. Subdivision 7 of section 112 of the correction law, as  
3 added by a chapter of the laws of 2025 amending the correction law  
4 relating to reports on data collected from the office of special inves-  
5 tigation, as proposed in legislative bill numbers S. 8415 and A. 8871,  
6 is amended to read as follows:

7 7. (a) For the purposes of this subdivision the following terms shall  
8 have the following meanings:

9 (i) "Substantiated allegation" means an allegation that was investi-  
10 gated and determined to have occurred. An allegation is determined to  
11 have occurred based on a preponderance of the evidence;

12 (ii) "Unfounded allegation" means an allegation that was investigated  
13 and determined not to have occurred;

14 (iii) "Unsubstantiated allegation" means an allegation that was inves-  
15 tigated and the investigation produced insufficient evidence to make a  
16 final determination as to whether or not the event occurred.

17 (b) The commissioner shall collect data from the office of special  
18 investigations established by the department and report quarterly to the  
19 speaker of the assembly, the temporary president of the senate, and the  
20 governor regarding complaints received the previous quarter by the  
21 office. For the report period, such data and report shall include, but  
22 not be limited to:

23 (i) the number of [~~confirmed and unconfirmed complaints~~] substanti-  
24 ated, unsubstantiated, and unfounded allegations received by the office  
25 of special investigations categorized by [~~facility the complaint origi-~~  
26 ~~nated from~~] location of the alleged incident, complaint type or allega-  
27 tion, subject of the [~~complaint~~] allegation (i.e. incarcerated individ-  
28 ual, security staff, civilian staff, or other), and how the [~~complaint~~]  
29 allegation was received by the office;

30 (ii) the total number of complaints: assigned for an investigation by  
31 the office of special investigations; assigned to each division or unit  
32 within the office of special investigations; referred to the appropriate  
33 central office division head; referred to a facility superintendent or  
34 community supervision bureau chief for investigation; referred to a  
35 facility superintendent or community supervision bureau chief for other  
36 appropriate action; and referred to a state, local, or federal agency  
37 with jurisdiction. Such data shall include the [~~facility the complaint~~  
38 ~~originated from~~] location of the alleged incident and the complaint type  
39 or allegation;

40 (iii) the total number of investigations closed by each office of  
41 special investigations unit or division within the reporting time peri-  
42 od;

43 (iv) the total number of referrals for criminal prosecution. Such data  
44 shall include the [~~facility the complaint originated from~~] location of  
45 the alleged incident, the complaint type or allegation, and the subject  
46 of the [~~complaint~~] allegation (i.e. incarcerated individual, security  
47 staff, civilian staff, or other);

48 (v) the total number of referrals to the department's bureau of labor  
49 relations for consideration of employee disciplinary charges including  
50 [~~which facility the referral originated from~~] the location of the  
51 alleged incident; and

52 (vi) office of special investigations staffing data including the  
53 total number of staff, position type, and number of open positions.

54 [~~(b)~~] (c) The commissioner shall report annually the average length of  
55 time to close an investigation by the office of special investigation by

1 division for each correctional facility and any recommendations made by  
2 the office of special investigations to the relevant departmental  
3 program areas for consideration of a revision to a policy or procedure.  
4 Such report shall categorize such recommendations by facility, the  
5 nature of the recommendation, and any action taken in response to the  
6 recommendation.

7 § 2. This act shall take effect on the same date and in the same  
8 manner as a chapter of the laws of 2025 amending the correction law  
9 relating to reports on data collected from the office of special inves-  
10 tigation, as proposed in legislative bill numbers S. 8415 and A. 8871,  
11 takes effect.

12 PART H

13 Section 1. Section 41 of the correction law, as amended by section 1  
14 and subdivision 1 as amended by section 2 of part H of a chapter of the  
15 laws of 2025 amending the correction law relating to the membership of  
16 the state commission of correction, as proposed in legislative bill  
17 numbers S. 8415 and A. 8871, is amended to read as follows:

18 § 41. State commission of correction; organization. 1. (a) There shall  
19 be within the executive department a state commission of correction. It  
20 shall consist of [~~nine~~] five persons, [~~three of whom shall~~] to be  
21 appointed by the governor [~~, two of whom shall be appointed by the speak-  
22 er of the assembly, two of whom shall be appointed by the temporary  
23 president of the senate, and two of whom shall be appointed by the  
24 correctional association~~] by and with the consent of the senate.

25 (b) [~~The members appointed shall include, but not be limited to, at  
26 least one of each of the following:~~

27 ~~(i) a person formerly incarcerated in a correctional facility located  
28 in New York;~~

29 ~~(ii) a public health professional;~~

30 ~~(iii) a behavioral healthcare professional;~~

31 ~~(iv) an attorney duly licensed to practice in this state who has a  
32 professional background in indigent criminal defense services or prison-  
33 er's rights litigation; and~~

34 ~~(v) a professional in any other field deemed useful for the promotion  
35 of an efficient, humane, and lawful correctional system]~~ At a minimum,  
36 one member appointed shall be a person formerly incarcerated in a  
37 correctional facility located in New York and one member appointed shall  
38 have one or more of the following qualifications: licensure as a  
39 healthcare professional authorized to practice in New York state; licen-  
40 sure as an attorney authorized to practice in this state who has a  
41 professional background in indigent criminal defense or prisoner's  
42 rights litigation or experience as a legal policy professional who has  
43 professional experience related to the rights of incarcerated individ-  
44 uals; or professional experience in another field deemed relevant to the  
45 promotion of an efficient, humane, and lawful correctional system. Two  
46 of the members shall be part-time.

47 (c) The [~~members of the commission~~] governor shall [~~annually~~] dis-  
48 gnate one of the appointed full-time members as chairperson to serve as  
49 such at [~~such members of the commission's~~] the pleasure of the governor.  
50 The part-time members appointed to the commission shall receive a per  
51 diem of five hundred dollars for work actually performed not to exceed  
52 fifty thousand dollars in any one calendar year. The full-time members  
53 shall devote full time to their duties and shall hold no other salaried  
54 public position.

1 2. The members shall hold office for terms of five years[~~, provided~~  
2 ~~that the first two members appointed by the speaker of the assembly~~  
3 ~~shall serve for a term of two years; the first two members appointed by~~  
4 ~~the temporary president of the senate shall serve for a term of three~~  
5 ~~years; and the first two members appointed by the correctional associ-~~  
6 ~~ation shall serve for a term of four years]. No member shall serve for  
7 more than ten years. Any member of the commission may be removed by the  
8 [~~appointing authority who nominated the member~~] governor for cause after  
9 an opportunity to be heard in such member's defense.~~

10 3. Any member chosen to fill a vacancy created other than by expira-  
11 tion of term shall be appointed for the unexpired term of the member  
12 whom such new member is to succeed. Vacancies caused by expiration of  
13 term or otherwise shall be filled in the same manner as original  
14 appointments.

15 § 2. Subdivision (a) of section 42 of the correction law, as added by  
16 chapter 865 of the laws of 1975, paragraph 1 as amended by section 34 of  
17 part PP of chapter 56 of the laws of 2022, paragraph 2 as amended by  
18 chapter 309 of the laws of 1996, paragraph 3 as amended by section 2,  
19 paragraph 4 as amended by section 3, and paragraph 5 as amended by  
20 section 4 of part HH of chapter 55 of the laws of 2025, is amended to  
21 read as follows:

22 (a) 1. There shall be within the commission a citizen's policy and  
23 complaint review council. It shall consist of nine persons [~~to~~], six of  
24 whom shall be appointed by the governor, by and with the advice and  
25 consent of the senate. One person so appointed shall have served in the  
26 armed forces of the United States in any foreign war, conflict or mili-  
27 tary occupation, who (i) was discharged therefrom under other than  
28 dishonorable conditions, or (ii) has a qualifying condition, as defined  
29 in section one of the veterans' services law, and has received a  
30 discharge other than bad conduct or dishonorable from such service, or  
31 (iii) is a discharged LGBT veteran, as defined in section one of the  
32 veterans' services law, and has received a discharge other than bad  
33 conduct or dishonorable from such service, or shall be a duly licensed  
34 mental health professional who has professional experience or training  
35 with regard to post-traumatic stress syndrome. One person so appointed  
36 shall be an attorney admitted to practice in this state. One person so  
37 appointed shall be a former incarcerated individual of a correctional  
38 facility. One person so appointed shall be a former correction officer.  
39 One person so appointed shall be a former resident of a division for  
40 youth secure center or a health care professional duly licensed to prac-  
41 tice in this state. One person so appointed shall be a former employee  
42 of the office of children and family services who has directly super-  
43 vised youth in a secure residential center operated by such office. In  
44 addition, the part-time commission members appointed shall serve on the  
45 council. Lastly, the governor shall designate one of the full-time  
46 members other than the chair of the commission as chair of the council  
47 to serve as such at the pleasure of the governor.

48 2. The [~~nine~~] six appointed members of the council shall hold office  
49 for five years[~~, provided that of the seven members first appointed, two~~  
50 ~~shall be appointed for a term of one year, two shall be appointed for a~~  
51 ~~term of two years, one shall be appointed for a term of three years, one~~  
52 ~~shall be appointed for a term of four years and one shall be appointed~~  
53 ~~for a term of five years from January first next succeeding their~~  
54 ~~appointment]. Any appointed member of the council may be removed by the  
55 governor for cause after an opportunity to be heard in [~~his~~] their  
56 defense.~~

1 3. Any member chosen to fill in a vacancy created other than by expi-  
2 ration of term shall be appointed for the unexpired term of the  
3 succeeded member. Vacancies caused by the expiration of term or other-  
4 wise shall be filled in the same manner as original appointments.

5 4. The members of the council other than the [~~chair~~] commission  
6 members shall receive no compensation for their services but each member  
7 other than the [~~chair~~] commission members shall be entitled to receive  
8 actual and necessary expenses incurred in the performance of council  
9 duties.

10 5. No appointed member of the council shall qualify or enter upon the  
11 duties of office, or remain therein, while an officer or employee of the  
12 department of corrections and community supervision or any correctional  
13 facility or is in a position to exercise administrative supervision over  
14 any correctional facility. The council shall have such staff as shall be  
15 necessary to assist it in the performance of its duties within the  
16 amount of the appropriation therefor as determined by the chair of the  
17 commission.

18 6. Notwithstanding any provision of this section to the contrary, any  
19 member of the council serving on the effective date of this paragraph  
20 may continue to serve until such member resigns, is removed, or other-  
21 wise vacates such office.

22 § 3. Subdivisions 1 and 4 of section 43 of the correction law, subdivi-  
23 sion 1 as amended by section 7 of part HH of chapter 55 of the laws of  
24 2025, and subdivision 4 as added by chapter 865 of the laws of 1975, are  
25 amended to read as follows:

26 1. There shall be within the commission a correction medical review  
27 board. It shall consist of six persons to be appointed by the governor  
28 by and with the advice and consent of the senate. In addition, the part-  
29 time commission members shall serve on the board. Lastly, the governor  
30 shall designate [~~one of~~] the full-time [~~members~~] member other than the  
31 chair of the commission and the chair of the council as chair of the  
32 board to serve as such at the pleasure of the governor. Of the appointed  
33 members of the board one shall be a physician duly licensed to practice  
34 in this state; one shall be a physician duly licensed to practice in  
35 this state and a board certified forensic pathologist; one shall be a  
36 physician duly licensed to practice in this state and shall be a board  
37 certified forensic psychiatrist; one shall be an attorney admitted to  
38 practice in this state; two shall be members appointed at large.

39 4. The members of the board, other than the commission members, shall  
40 receive no compensation for their services but each member shall be  
41 entitled to receive [~~his~~] their actual and necessary expenses incurred  
42 in the performance of [~~his~~] their duties.

43 § 4. Section 3 of part H of a chapter of the laws of 2025 amending the  
44 correction law relating to the membership of the state commission of  
45 correction, as proposed in legislative bill numbers S. 8415 and A. 8871,  
46 is amended to read as follows:

47 § 3. This act shall take effect [~~immediately, provided, however, that~~  
48 ~~if section 1 of part HH of chapter 55 of the laws of 2025 shall not have~~  
49 ~~taken effect on or before such date then section two of this act shall~~  
50 ~~take effect~~] on the same date and in the same manner as [~~such~~] part HH  
51 of [~~such~~] chapter 55 of the laws of 2025 takes effect.

52 § 5. This act shall take effect immediately; provided, however, that  
53 sections one, two, and three of this act shall take effect on the same  
54 date and in the same manner as a chapter of the laws of 2025 amending  
55 the correction law relating to the membership of the state commission of

1 correction, as proposed in legislative bill numbers S. 8415 and A. 8871,  
2 takes effect.

3 PART I

4 Section 1. Subdivision 3 of section 146 of the correction law, as  
5 amended by section 2 of part I of a chapter of the laws of 2025 amending  
6 the correction law relating to correctional facility visits by the  
7 correctional association, as proposed in legislative bill numbers S.  
8 8415 and A. 8871, is amended to read as follows:

9 3. a. Notwithstanding any other provision of law to the contrary, the  
10 correctional association shall be permitted to access, visit, inspect,  
11 and examine all state correctional facilities with twenty-four hours  
12 advance notice to the department. For any visit that will include units  
13 or areas staffed by the office of mental health, such notice shall also  
14 be provided to the office of mental health. Up to twelve people may  
15 comprise the visiting party; provided, however, that only four people  
16 from the party may enter a special housing facility or unit at the same  
17 time. Prior to the visitation authorized pursuant to this subdivision,  
18 the correctional association shall provide to the department on, at  
19 least, an annual basis a list of people who will be visiting the facili-  
20 ty or facilities, including names, dates of birth, driver's license  
21 numbers and their designation as an employee, board member, or designee  
22 in order for the department to perform prompt background checks. The  
23 department may [~~not~~] place restrictions on such visits and inspections[~~,~~  
24 ~~including during periods~~] when a facility is locked down or experiencing  
25 a facility wide emergency[~~,~~ ~~provided, however, that~~]. In addition, the  
26 department may restrict access to a portion of a facility in an emergen-  
27 cy situation for the duration of the emergency. For the purpose of this  
28 subdivision, an emergency shall be determined by the commissioner or the  
29 commissioner's designee and defined as a significant risk to the safety  
30 or security of the facility, or the health, safety or security of staff  
31 or incarcerated individuals, or an event that significantly compromises  
32 the operations of the facility.

33 b. [~~At~~] Upon twenty-four hours advance notice, at the commencement  
34 [~~and~~] or conclusion of any visits to, or inspections and examinations  
35 of, state correctional facilities, the superintendent and executive  
36 team, to the extent practicable [~~and upon request by the correctional~~  
37 ~~association~~], shall meet with the correctional association. [~~Privately~~  
38 ~~without representatives of the central office present, representatives~~  
39 ~~of the office of mental health and any other entities or agencies~~  
40 ~~providing services in a facility shall meet with the correctional asso-~~  
41 ~~ciation, upon the correctional association's request during the course~~  
42 ~~of any visit. The~~] Upon twenty-four hours advance notice, and with the  
43 consent of the party, the correctional association may meet privately,  
44 without representatives of the central office present, with represen-  
45 tatives of the office of mental health and any other entities or agen-  
46 cies that are providing services in a facility, the incarcerated indi-  
47 vidual liaison committee and representatives of the incarcerated  
48 individual grievance resolution committee or any other organization of  
49 incarcerated individuals recognized by the department.

50 c. During the course of any such visit, inspection or examination, and  
51 upon consent of the person being interviewed, the correctional associ-  
52 ation shall have the power to interview and converse publicly or confi-  
53 dentially with any correctional employee or administrator, any incarcer-  
54 ated individual, and any other person providing, supervising, or

1 monitoring services in a correctional facility, whether or not employed  
2 by such facility. Such interviews shall not be restricted by the depart-  
3 ment or the office of mental health or any other agency or attended by  
4 anyone on behalf of the department or the office of mental health or any  
5 other agency, nor shall there be any retaliation or adverse action taken  
6 by the department or other state agency against anyone who speaks with  
7 the correctional association. The department may not limit the number of  
8 individuals the correctional association may interview or the duration  
9 of the interviews, in any manner unreasonable under the circumstances.

10 ~~[The] During the course of any visit, inspection or examination, the~~  
11 correctional association shall have the power to conduct private, confi-  
12 dential meetings reasonable in number under ~~[a facility's immediate] the~~  
13 circumstances ~~[at their pleasure and without notice to the department]~~  
14 with incarcerated individuals in housing units and in attorney visiting  
15 rooms or other rooms in the facility in which their conversations will  
16 remain confidential. No department employee may attend or listen to any  
17 such meeting without the consent of the correctional association.

18 d. The correctional association ~~[may request and receive from the~~  
19 ~~department information and data as will enable the correctional associ-~~  
20 ~~ation to carry out its functions, powers and duties.~~

21 ~~The correctional association shall have access to the following infor-~~  
22 ~~mation and records on a quarterly basis:~~

23 ~~(i) individuals admitted into custody, which shall contain, at mini-~~  
24 ~~mum, individual-level records of all individuals admitted to custody,~~  
25 ~~including the individual's department ID, demographic information,~~  
26 ~~admission type, reception facility name and housing unit, reception~~  
27 ~~date, sentencing, and crime information;~~

28 ~~(ii) individuals under custody, which shall contain, at minimum, indi-~~  
29 ~~vidual-level records of all individuals presently under custody, includ-~~  
30 ~~ing the individual's department ID, demographic information, current~~  
31 ~~facility name and housing unit, date of original and latest reception at~~  
32 ~~the facility, out counts, sentencing and crime information, and parole~~  
33 ~~eligibility and relevant dates;~~

34 ~~(iii) individuals released from custody, which shall contain, at mini-~~  
35 ~~mum, individual-level records of all individuals released from custody,~~  
36 ~~including the individual's department ID, demographic information,~~  
37 ~~releasing facility name and housing unit, release date, release county,~~  
38 ~~sentencing and crime information, and parole eligibility and relevant~~  
39 ~~dates;~~

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

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

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

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

~~(viii) unusual incidents, which shall contain, at minimum, report level information for all unusual incidents, as defined by the department at the current time, including the incident code, the name and code of the facility where the incident took place, the date and time of the incident, the location within the facility, the name and code of the categories and subcategories indicated in the report, the roles of all individuals involved in the report (including incarcerated and nonincarcerated individuals), the weapons used by each individual, if applicable, the type of force applied by department staff on each individual, if applicable, and the degree of injury to staff and incarcerated individuals;~~

~~(ix) disciplinary charges and penalties, which shall contain, at minimum, charge-level information for all disciplinary incidents, including the incarcerated individual's department ID and facility name, the location, date, and time of the incident, the tier, code, and description of each charge, the date of the hearing, and the outcome and penalty associated with each charge; and~~

~~(x) grievances and appeals, which shall contain, at minimum, grievance-level information for all grievances filed with the department, including those resolved informally, including: the incarcerated individual's department ID, ID, date filed, category, type, and facility of the grievance; and the outcomes and outcome dates for all reviews, including those by the incarcerated grievance resolution committee, superintendent, and central office review committee.]~~ on a quarterly basis, may request and, to the extent practicable, receive from the department in a form and manner prescribed by the department the following information and records:

(i) individual-level records for all individuals admitted into custody during the previous quarter, under custody at the end of the previous quarter, released from custody during the previous quarter, and on parole at the end of the previous quarter;

(ii) departmental staffing levels at each facility at the end of the previous quarter;

(iii) under custody deaths at each facility during the previous quarter;

(iv) report-level unusual incidents during the previous quarter;

(v) the number and type of disciplinary hearings held at each facility during the previous quarter, including charges and sanctions imposed;

(vi) the number and type of grievances filed at each facility during the previous quarter; and

(vii) incarcerated individuals at each facility enrolled in programming and academic and vocational education during the previous quarter.

e. The correctional association shall periodically, but not less than every five years, conduct inspections of each state correctional facility~~[, prioritized based on the correctional association's assessment of systemic issues,~~] and issue reports and recommendations to the governor, the legislature and the public about the conditions and issues at correctional facilities. When preparing such formal reports and recommendations, the correctional association shall submit a tentative copy of such report and recommendations to the commissioner. The commissioner

1 may submit a written response to such tentative report within sixty days  
2 of the receipt thereof [~~, including a plan of action for addressing the~~  
3 ~~findings and recommendations~~]. When the correctional association there-  
4 after submits its final report and recommendations, it shall contain a  
5 complete copy of the response, if any, submitted to the tentative report  
6 and recommendations.

7 f. The correctional association may send [~~written and/or electronic~~]  
8 surveys or questionnaires to people in custody or employees concerning  
9 conditions of confinement, working conditions, or other subjects within  
10 the scope of their mission without prior approval of the department.  
11 People incarcerated shall be permitted to confidentially complete and  
12 return to the correctional association such surveys [~~either in written~~  
13 ~~format or electronically~~]. The correctional association may also  
14 receive free [~~confidential~~] phone calls [~~and emails~~] from incarcerated  
15 individuals [~~and/or set up~~] through a [~~confidential~~] hotline set up by  
16 the correctional association for individuals to use if they choose to  
17 contact them, and the department shall not track or monitor such calls.  
18 Physical mail received and sent to the correctional association is  
19 defined as privileged correspondence, and any and all processing  
20 controls, allowances for limited free postage, and advances of incarcer-  
21 ated individual funds for postage shall apply to privileged correspond-  
22 ence received and sent to the correctional association. For the purposes  
23 of this section, identical incoming blank surveys and questionnaires  
24 shall not be defined as privileged correspondence.

25 g. The access, visits, and inspection of state correctional facili-  
26 ties by the correctional association pursuant to this subdivision shall  
27 be undertaken solely in furtherance of the correctional association's  
28 lawful powers, duties and obligations, and information obtained pursuant  
29 to these powers shall be used solely in furtherance of the correctional  
30 association's mission. Employees, board members and designees shall be  
31 required to sign an acknowledgement of the foregoing as a condition of  
32 entry into a correctional facility pursuant to this subdivision.

33 § 2. This act shall take effect on the same date and in the same  
34 manner as part I of a chapter of the laws of 2025 amending the  
35 correction law relating to correctional facility visits by the correc-  
36 tional association, as proposed in legislative bill numbers S. 8415 and  
37 A. 8871, takes effect.

38 PART J

39 Section 1. Section 208-a of the civil practice law and rules as added  
40 by section 1 of part J of a chapter of the laws of 2025 amending the  
41 civil practice law and rules, the general municipal law and the court of  
42 claims act relating to the tolling of statute of limitations for indi-  
43 viduals in state custody, as proposed in legislative bill numbers S.  
44 8415 and A. 8871, is amended to read as follows:

45 § 208-a. In custody at time of cause of action. Notwithstanding any  
46 provisions of law that impose a period of limitation to the contrary or  
47 any provisions of any other law pertaining to the filing of a notice of  
48 claim or a notice of intention to file a claim as a condition precedent  
49 to commencement of an action or special proceeding, with respect to all  
50 civil claims or causes of action brought by any person to recover  
51 damages for physical, psychological, or other injury or condition  
52 suffered while under the jurisdiction and in the care and custody or  
53 supervision of: the state department of corrections and community super-  
54 vision, except a person under community supervision as defined in subdi-

1 vision thirty-one of section two of the correction law, a hospital as  
2 defined in subdivision two of section four hundred of the correction  
3 law, a correctional facility as defined in subdivision three of section  
4 forty of the correction law, a local correctional facility as defined in  
5 subdivision two of section forty of the correction law, or an alternate  
6 correctional facility as defined in subdivision one of section eighty-  
7 seven of the correction law, the time in which such action must commence  
8 shall ~~[be extended to three years after such person is released from~~  
9 ~~such custody]~~ have the full benefit of the limitations period provided  
10 in the relevant section of law and, in addition, shall have a two-year  
11 window following the date of the person's release from the relevant  
12 period of custody within which to commence an action based on such inju-  
13 ry or condition. For any claim that would have been time-barred but for  
14 the application of this section, no notice of claim or notice of inten-  
15 tion to file a claim shall be required as a condition precedent to the  
16 commencement of such action or special proceeding. This exemption shall  
17 not apply to any claim that was timely under the otherwise applicable  
18 statute of limitations.

19 § 2. Paragraph (c) of subdivision 8 of section 50-e of the general  
20 municipal law, as added by section 2 of part J of a chapter of the laws  
21 of 2025 amending the civil practice law and rules, the general municipal  
22 law and the court of claims act relating to the tolling of statute of  
23 limitations for individuals in state custody, as proposed in legislative  
24 bill numbers S. 8415 and A. 8871, is REPEALED.

25 § 3. Paragraph (a) of subdivision 1 of section 50-e of the general  
26 municipal law, as amended by chapter 738 of the laws of 1981, is amended  
27 to read as follows:

28 (a) In any case founded upon tort where a notice of claim is required  
29 by law as a condition precedent to the commencement of an action or  
30 special proceeding against a public corporation, as defined in the  
31 general construction law, or any officer, appointee or employee thereof,  
32 the notice of claim shall comply with and be served in accordance with  
33 the provisions of this section within ninety days after the claim  
34 arises; except that in wrongful death actions, the ninety days shall run  
35 from the appointment of a representative of the decedent's estate.  
36 Notwithstanding any provision of law to the contrary, this section shall  
37 not apply to any otherwise time-barred civil claims or causes of action  
38 revived by section two hundred eight-a of the civil practice law and  
39 rules. This exemption shall not apply to any claim that was timely under  
40 the otherwise applicable statute of limitations.

41 § 4. Subdivision 6 of section 50-i of the general municipal law, as  
42 added by section 3 of part J of a chapter of the laws of 2025 amending  
43 the civil practice law and rules, the general municipal law and the  
44 court of claims act relating to the tolling of statute of limitations  
45 for individuals in state custody, as proposed in legislative bill  
46 numbers S. 8415 and A. 8871, is amended to read as follows:

47 6. Notwithstanding any provision of law to the contrary, ~~[this section~~  
48 ~~shall not apply to any civil claims or causes of action brought by any~~  
49 ~~person to recover damages for physical, psychological, or other injury~~  
50 ~~or condition suffered while in custody pursuant to section two hundred~~  
51 ~~eight a of the civil practice law and rules]~~ any person who suffers  
52 physical, psychological, or other injury or condition while in custody  
53 shall have, pursuant to section two hundred eight-a of the civil prac-  
54 tice law and rules, the full benefit of the limitations period provided  
55 in this section and, in addition, shall have a two-year window following  
56 the date of the person's release from that period of custody within

1 which to commence an action based on such injury or condition. For any  
2 otherwise time-barred civil claims or causes of action revived by  
3 section two hundred eight-a of the civil practice law and rules, no  
4 notice of claim shall be required as a condition precedent to the  
5 commencement of such action or special proceeding. This exemption shall  
6 not apply to any claim that was timely under the otherwise applicable  
7 statute of limitations.

8 § 5. Subdivision 11 of section 10 of the court of claims act, as added  
9 by section 4 of part J of a chapter of the laws of 2025 amending the  
10 civil practice law and rules, the general municipal law and the court of  
11 claims act relating to the tolling of statute of limitations for indi-  
12 viduals in state custody, as proposed in legislative bill numbers S.  
13 8415 and A. 8871, is amended to read as follows:

14 11. Notwithstanding any provision of law to the contrary, [~~this~~  
15 ~~section shall not apply to any civil claims or causes of action brought~~  
16 ~~by any person to recover damages for physical, psychological, or other~~  
17 ~~injury or condition suffered while in custody pursuant to section two~~  
18 ~~hundred eight-a of the civil practice law and rules] any person who  
19 suffers physical, psychological, or other injury or condition while in  
20 custody shall have, pursuant to section two hundred eight-a of the civil  
21 practice law and rules, the full benefit of the limitations period  
22 provided in this section and, in addition, shall have a two-year window  
23 following the date of the person's release from that period of custody  
24 within which to commence an action based on such injury or condition.  
25 For any otherwise time-barred civil claims or causes of action revived  
26 by section two hundred eight-a of the civil practice law and rules, no  
27 notice of intention to file a claim shall be required as a condition  
28 precedent to the commencement of such action or special proceeding. This  
29 exemption shall not apply to any claim that was timely under the other-  
30 wise applicable statute of limitations.~~

31 § 6. Subdivision d of section 11 of the court of claims act, as added  
32 by section 5 of part J of a chapter of the laws of 2025 amending the  
33 civil practice law and rules, the general municipal law and the court of  
34 claims act relating to the tolling of statute of limitations for indi-  
35 viduals in state custody, as proposed in legislative bill numbers S.  
36 8415 and A. 8871, is amended to read as follows:

37 d. Subdivision b of this section shall not apply to [~~a claim brought~~  
38 ~~by any person to recover damages for physical, psychological, or other~~  
39 ~~injury or condition suffered while in custody pursuant to section two~~  
40 ~~hundred eight-a of the civil practice law and rules] any otherwise time-  
41 barred civil claims or causes of action revived by section two hundred  
42 eight-a of the civil practice law and rules. This exemption shall not  
43 apply to any claim that was timely under the otherwise applicable stat-  
44 ute of limitations, provided that, the court, in exercising its  
45 discretion as otherwise permitted by law regarding the claim or notice  
46 of intention to file a claim shall, in the interest of justice, give due  
47 consideration to difficulties of proof caused by incarceration.~~

48 § 7. Section 6 of part J of a chapter of the laws of 2025 amending the  
49 civil practice law and rules, the general municipal law and the court of  
50 claims act relating to the tolling of statute of limitations for indi-  
51 viduals in state custody, as proposed in legislative bill numbers S.  
52 8415 and A. 8871, is amended to read as follows:

53 § 6. This act shall take effect immediately and apply to periods of  
54 custody that end on or after the effective date of this act and shall  
55 not revive or otherwise extend any claim that was time-barred prior to  
56 such effective date.

1 § 8. This act shall take effect immediately; provided, however, that  
2 sections one, two, three, four, five and six of this act shall take  
3 effect on the same date and in the same manner as part J of a chapter of  
4 the laws of 2025 amending the civil practice law and rules, the general  
5 municipal law and the court of claims act relating to the tolling of  
6 statute of limitations for individuals in state custody, as proposed in  
7 legislative bill numbers S. 8415 and A. 8871, takes effect.

8 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
9 sion, section or part of this act shall be adjudged by any court of  
10 competent jurisdiction to be invalid, such judgment shall not affect,  
11 impair, or invalidate the remainder thereof, but shall be confined in  
12 its operation to the clause, sentence, paragraph, subdivision, section  
13 or part thereof directly involved in the controversy in which such judg-  
14 ment shall have been rendered. It is hereby declared to be the intent of  
15 the legislature that this act would have been enacted even if such  
16 invalid provisions had not been included herein.

17 § 3. This act shall take effect immediately provided, however, that  
18 the applicable effective date of Parts A through J of this act shall be  
19 as specifically set forth in the last section of such Parts.