

8064

2009-2010 Regular Sessions

I N   A S S E M B L Y

May 4, 2009

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

AN ACT to amend the correction law, in relation to the subpoena power of  
the commissioner of the department of correctional services

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

1     Section 1. Subdivision 2 of section 112 of the correction law, as  
2     amended by chapter 476 of the laws of 1970, is amended to read as  
3     follows:  
4     2. The commissioner of correction may require reports from the super-  
5     intendent or any other officer or employee of the department assigned to  
6     any correctional facility in relation to his conduct as such officer or  
7     employee, and shall have the power to inquire into any improper conduct  
8     which may be alleged to have been committed by any person at any correc-  
9     tional facility, and for that purpose to issue subpoenas to compel the  
10    attendance of witnesses, and the production before him of books, writ-  
11    ings and papers. A subpoena issued under this section shall be regulated  
12    by the civil practice law and rules, PROVIDED, HOWEVER, ANY OFFICER OR  
13    EMPLOYEE OF THE DEPARTMENT WHOSE PERSONAL INFORMATION IS THE SUBJECT OF  
14    A SUBPOENA DUCES TECUM SHALL BE PROVIDED WRITTEN NOTICE OF SUCH SUBPOENA  
15    DUCES TECUM WITHIN FIVE BUSINESS DAYS OF SUCH COMMISSIONER ISSUING SUCH  
16    SUBPOENA. The commissioner of correction is authorized and empowered to  
17    lease the railroad, constructed under and by the authority of the laws  
18    of eighteen hundred [and] seventy-eight, chapter one hundred [and]  
19    forty-eight, for such term of years and upon such terms and conditions  
20    as shall be approved of, in writing, by the governor and comptroller of  
21    this state.  
22    S 2. This act shall take effect immediately.

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

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