S T A T E O F N E W Y O R K

4892

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. NOZZOLIO -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the correction law, in relation to the duty to report sexual conduct by an employee with an inmate

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

Section 1. The correction law is amended by adding a new section 22-b to read as follows:

S 22-B. DUTY TO REPORT. 1. ANY EMPLOYEE OF A LOCAL CORRECTION DEPARTMENT WHO HAS EITHER KNOWLEDGE OR A REASONABLE BELIEF THAT SEXUAL CONDUCT IS TAKING PLACE OR HAS TAKEN PLACE BETWEEN AN EMPLOYEE OF THE LOCAL CORRECTION DEPARTMENT AND ANY INMATE NOT MARRIED TO SUCH EMPLOYEE WHO IS CONFINED BY SUCH CORRECTION DEPARTMENT, SHALL REPORT SUCH INFORMATION TO THE PERSON OR OFFICE DESIGNATED TO RECEIVE SUCH INFORMATION BY THE PERSON IN CHARGE OF THE LOCAL CORRECTION DEPARTMENT, OR TO THE PERSON IN CHARGE OF THE LOCAL CORRECTION DEPARTMENT IF NO SUCH PERSON OR OFFICE HAS BEEN DESIGNATED.

2. ANY EMPLOYEE OF A LOCAL CORRECTION DEPARTMENT WHO HAS EITHER KNOWLEDGE OR A REASONABLE BELIEF THAT SUCH SEXUAL CONDUCT IS TAKING PLACE OR HAS TAKEN PLACE AND WHO REPORTS SUCH INFORMATION TO SUCH DESIGNATED PERSON OR OFFICE, OR TO SUCH PERSON IN CHARGE, IF NO SUCH PERSON OR OFFICE HAS BEEN DESIGNATED, SHALL HAVE IMMUNITY FROM ANY CIVIL LIABILITY THAT OTHERWISE MIGHT BE INCURRED OR IMPOSED AS A RESULT OF REPORTING SUCH INFORMATION.

3. FOR PURPOSES OF THIS SECTION:

(A) "EMPLOYEE" SHALL MEAN ANY EMPLOYEE, REGARDLESS OF TITLE, OF A LOCAL CORRECTION DEPARTMENT, AND SHALL INCLUDE ANY PERSON WHO IS PERMITTED ENTRY TO A LOCAL CORRECTIONAL FACILITY PURSUANT TO HIS OR HER DUTIES (I) AS AN EMPLOYEE OF ANY GOVERNMENTAL AGENCY, (II) AS A VOLUNTEER, OR (III) UNDER A CONTRACTUAL ARRANGEMENT WITH ANY GOVERNMENTAL AGENCY;

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

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(B) "LOCAL CORRECTION FACILITY" SHALL HAVE THE MEANING SET FORTH IN PARAGRAPH (A) OF SUBDIVISION SIXTEEN OF SECTION TWO OF THIS CHAPTER;

(C) "SEXUAL CONDUCT" SHALL HAVE THE MEANING SET FORTH IN SUBDIVISION TEN OF SECTION 130.00 OF THE PENAL LAW.

4. ANY EMPLOYEE OF A LOCAL CORRECTION DEPARTMENT WHO VIOLATES THIS SECTION SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.