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

2639

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. PRETLOW, SCARBOROUGH, GREENE -- Multi-Sponsored by -- M. of A. CLARK, DIAZ, GALEF, GORDON, HOOPER, ORTIZ, PERRY, WEINSTEIN -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to prohibiting male correction officers from pat frisking female inmates

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

Section 1. Section 137 of the correction law is amended by adding a new subdivision 7 to read as follows:

7. NO MALE OFFICER OF THE DEPARTMENT SHALL PAT FRISK A FEMALE INMATE IN THE CUSTODY OF THE DEPARTMENT UNLESS SUCH OFFICER HAS PROBABLE CAUSE TO BELIEVE THAT A PAT FRISK IS NECESSARY TO PROTECT THE IMMEDIATE SAFETY OF OTHER INMATES OR PRISON EMPLOYEES OR TO PREVENT ESCAPE.

S 2. Section 500-k of the correction law, as amended by chapter 476 of the laws of 1970, is amended to read as follows:

S 500-k. Treatment of inmates. Subdivisions five [and], six AND SEVEN of section one hundred thirty-seven of this chapter relating to the treatment of inmates in state correctional facilities are applicable to inmates confined in county jails; except that the report required by paragraph (d) of subdivision six of such section shall be made to a person designated to receive such report in the rules and regulations of the state commission of correction, or in any county or city where there is a department of correction, to the head of such department.

S 3. Section 500-k of the correction law, as amended by section 1 of chapter 2 of the laws of 2008, is amended to read as follows:

S 500-k. Treatment of inmates. Subdivisions five [and], six AND SEVEN of section one hundred thirty-seven of this chapter, except paragraphs (d) and (e) of subdivision six of such section, relating to the treatment of inmates in state correctional facilities are applicable to inmates confined in county jails; except that the report required by paragraph (f) of subdivision six of such section shall be made to a

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

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person designated to receive such report in the rules and regulations of the state commission of correction, or in any county or city where there is a department of correction, to the head of such department.

S 4. This act shall take effect immediately, provided, however, that the amendments to section 500-k of the correction law made by section three of this act shall take effect on the same date and in the same manner as section 2 of chapter 2 of the laws of 2008, as amended, takes effect.