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

8064

2009-2010 Regular Sessions

I N A S S E M B L Y

May 4, 2009

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 2 of section 112 of the correction law, as amended by chapter 476 of the laws of 1970, is amended to read as follows:

2. The commissioner of correction may require reports from the superintendent or any other officer or employee of the department assigned to any correctional facility in relation to his conduct as such officer or employee, and shall have the power to inquire into any improper conduct which may be alleged to have been committed by any person at any correctional facility, and for that purpose to issue subpoenas to compel the attendance of witnesses, and the production before him of books, writings and papers. A subpoena issued under this section shall be regulated by the civil practice law and rules, PROVIDED, HOWEVER, ANY OFFICER OR EMPLOYEE OF THE DEPARTMENT WHOSE PERSONAL INFORMATION IS THE SUBJECT OF A SUBPOENA DUCES TECUM SHALL BE PROVIDED WRITTEN NOTICE OF SUCH SUBPOENA DUCES TECUM WITHIN FIVE BUSINESS DAYS OF SUCH COMMISSIONER ISSUING SUCH SUBPOENA. The commissioner of correction is authorized and empowered to lease the railroad, constructed under and by the authority of the laws of eighteen hundred [and] seventy-eight, chapter one hundred [and] forty-eight, for such term of years and upon such terms and conditions as shall be approved of, in writing, by the governor and comptroller of this state.

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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