

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

1793--A

2011-2012 Regular Sessions

I N A S S E M B L Y

January 12, 2011

Introduced by M. of A. AUBRY, STEVENSON -- read once and referred to the Committee on Correction -- recommitted to the Committee on Correction in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1 Section 1. Subdivision 3 of section 112 of the correction law, as
2 amended by section 19 of subpart A of part C of chapter 62 of the laws
3 of 2011, is amended to read as follows:
4 3. The commissioner may require reports from the superintendent or any
5 other officer or employee of the department assigned to any correctional
6 facility or to perform community supervision in relation to his or her
7 conduct as such officer or employee, and shall have the power to inquire
8 into any improper conduct which may be alleged to have been committed by
9 any person at any correctional facility or in the course of his or her
10 performance of community supervision, and for that purpose to issue
11 subpoenas to compel the attendance of witnesses, and the production
12 before him or her of books, writings and papers. A subpoena issued under
13 this section shall be regulated by the civil practice law and rules,
14 PROVIDED, HOWEVER, ANY OFFICER OR EMPLOYEE OF THE DEPARTMENT WHOSE
15 PERSONAL INFORMATION IS THE SUBJECT OF A SUBPOENA DUCES TECUM SHALL BE
16 PROVIDED WRITTEN NOTICE OF SUCH SUBPOENA DUCES TECUM WITHIN FIVE BUSI-
17 NESS DAYS OF THE COMMISSIONER ISSUING SUCH SUBPOENA.
18 S 2. This act shall take effect immediately.

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

LBD04689-03-2