

1794

2011-2012 Regular Sessions

I N   A S S E M B L Y

January 12, 2011

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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 duty to report  
sexual conduct by an employee with an inmate

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

1     Section 1. The correction law is amended by adding a new section 22-b  
2     to read as follows:  
3     S 22-B. DUTY TO REPORT. ALL EMPLOYEES OF THE DEPARTMENT OF CORRECTION-  
4     AL SERVICES, REGARDLESS OF TITLE, ARE UNDER A DUTY TO REPORT ANY SEXUAL  
5     CONDUCT BETWEEN ANOTHER DEPARTMENT EMPLOYEE AND AN INMATE. SUCH DUTY TO  
6     REPORT SHALL INCLUDE ANY KNOWLEDGE OR A REASONABLE BELIEF THAT THE  
7     EMPLOYEE HAS OF ANY SEXUAL CONDUCT TAKING PLACE OR THAT HAS TAKEN PLACE  
8     BETWEEN ANY DEPARTMENT EMPLOYEE AND ANY INMATE NOT MARRIED TO SUCH  
9     EMPLOYEE, IN THE CUSTODY OF THE DEPARTMENT. ANY DEPARTMENT EMPLOYEE  
10    HAVING EITHER KNOWLEDGE OR A REASONABLE BELIEF OF ANY SEXUAL CONDUCT  
11    TAKING PLACE OR HAVING TAKEN PLACE BETWEEN ANY DEPARTMENT EMPLOYEE AND  
12    AN INMATE HAS A DUTY TO REPORT SUCH INFORMATION TO THE SUPERINTENDENT OF  
13    THE CORRECTIONAL FACILITY WHERE SUCH SEXUAL CONDUCT IS TAKING PLACE OR  
14    HAS TAKEN PLACE. ANY EMPLOYEE WHO HAS EITHER KNOWLEDGE OR A REASONABLE  
15    BELIEF TO SUSPECT THAT SUCH SEXUAL CONDUCT IS TAKING PLACE OR HAS TAKEN  
16    PLACE BETWEEN A DEPARTMENT EMPLOYEE AND AN INMATE AND WHO REPORTS SUCH  
17    SEXUAL CONDUCT TO THE SUPERINTENDENT OF THE CORRECTIONAL FACILITY SHALL  
18    HAVE IMMUNITY FROM ANY CIVIL LIABILITY THAT OTHERWISE MIGHT BE INCURRED  
19    OR IMPOSED AS A RESULT OF THE MAKING OF SUCH REPORT.  
20    ANY EMPLOYEE WHO EITHER HAS EITHER KNOWLEDGE OR A REASONABLE BELIEF OF  
21    SEXUAL CONDUCT BETWEEN A DEPARTMENT EMPLOYEE AND AN INMATE AND WHO FAILS  
22    TO REPORT SUCH INFORMATION SHALL BE SUBJECT TO DISCIPLINARY ACTION.  
23    FOR PURPOSES OF THIS SECTION, SEXUAL CONDUCT SHALL HAVE THE SAME MEAN-  
24    ING AS SUCH TERM IS DEFINED IN SUBDIVISION TEN OF SECTION 130.00 OF THE  
25    PENAL LAW.

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

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1 AS USED IN THIS SECTION, THE TERM EMPLOYEE SHALL INCLUDE A PERSON WHO  
2 IS REGISTERED AS A VOLUNTEER TO PROVIDE A SERVICE TO INMATES AT A  
3 CORRECTIONAL FACILITY.  
4 S 2. This act shall take effect immediately.