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I N S E N A T E

March 28, 2012

Introduced by Sen. NOZZOLIO -- (at request of the NYS Commission of Correction) -- 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 granting the state commission of correction authority to access inmate medical records

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

- 1 Section 1. Subdivision 1 of section 46 of the correction law, as added
2 by chapter 865 of the laws of 1975, is amended to read as follows:
3 1. The commission, any member or any employee designated by the
4 commission must be granted access at any and all times to any correc-
5 tional facility or part thereof and to all books, records, INMATE
6 MEDICAL RECORDS and data pertaining to any correctional facility deemed
7 necessary for carrying out the commission's functions, powers and
8 duties. The commission, any member or any employee designated by the
9 chairman may require from the officers or employees of a correctional
10 facility any information deemed necessary for the purpose of carrying
11 out the commission's functions, powers and duties.
12 S 2. Subdivision 2 of section 46 of the correction law, as amended by
13 chapter 536 of the laws of 1994, is amended to read as follows:
14 2. In the exercise of its functions, powers and duties, the commission
15 [and], any member, AND ANY ATTORNEY EMPLOYED BY THE COMMISSION is
16 authorized to issue and enforce a subpoena and a subpoena duces tecum,
17 administer oaths and examine persons under oath, in accordance with and
18 pursuant to civil practice law and rules. A person examined under oath
19 pursuant to this subdivision shall have the right to be accompanied by
20 counsel who shall advise the person of their rights subject to reason-
21 able limitations to prevent obstruction of, or interference with, the
22 orderly conduct of the examination. NOTWITHSTANDING ANY OTHER PROVISION
23 OF LAW, A SUBPOENA MAY BE ISSUED AND ENFORCED PURSUANT TO THIS SUBDIVI-
24 SION FOR THE MEDICAL RECORDS OF AN INMATE OF A CORRECTIONAL FACILITY,
25 REGARDLESS OF WHETHER SUCH MEDICAL RECORDS WERE MADE DURING THE COURSE
26 OF THE INMATE'S INCARCERATION.
27 S 3. 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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