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2015-2016 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2015

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Introduced by M. of A. O'DONNELL, 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 ASSEMBLY,  
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, REGARDLESS OF  
4     TITLE, ARE UNDER A DUTY TO REPORT ANY SEXUAL CONDUCT BETWEEN ANOTHER  
5     DEPARTMENT EMPLOYEE AND AN INMATE. SUCH DUTY TO REPORT SHALL INCLUDE ANY  
6     KNOWLEDGE OR A REASONABLE BELIEF THAT THE EMPLOYEE HAS OF ANY SEXUAL  
7     CONDUCT TAKING PLACE OR THAT HAS TAKEN PLACE BETWEEN ANY DEPARTMENT  
8     EMPLOYEE AND ANY INMATE NOT MARRIED TO SUCH EMPLOYEE, IN THE CUSTODY OF  
9     THE DEPARTMENT. ANY DEPARTMENT EMPLOYEE HAVING EITHER KNOWLEDGE OR A  
10    REASONABLE BELIEF OF ANY SEXUAL CONDUCT TAKING PLACE OR HAVING TAKEN  
11    PLACE BETWEEN ANY DEPARTMENT EMPLOYEE AND AN INMATE HAS A DUTY TO REPORT  
12    SUCH INFORMATION TO THE SUPERINTENDENT OF THE CORRECTIONAL FACILITY  
13    WHERE SUCH SEXUAL CONDUCT IS TAKING PLACE OR HAS TAKEN PLACE. ANY  
14    EMPLOYEE WHO HAS EITHER KNOWLEDGE OR A REASONABLE BELIEF TO SUSPECT THAT  
15    SUCH SEXUAL CONDUCT IS TAKING PLACE OR HAS TAKEN PLACE BETWEEN A DEPART-  
16    MENT EMPLOYEE AND AN INMATE AND WHO REPORTS SUCH SEXUAL CONDUCT TO THE  
17    SUPERINTENDENT OF THE CORRECTIONAL FACILITY SHALL HAVE IMMUNITY FROM ANY  
18    CIVIL LIABILITY THAT OTHERWISE MIGHT BE INCURRED OR IMPOSED AS A RESULT  
19    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.

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

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1       FOR PURPOSES OF THIS SECTION, SEXUAL CONDUCT SHALL HAVE THE SAME MEAN-  
2       ING AS SUCH TERM IS DEFINED IN SUBDIVISION TEN OF SECTION 130.00 OF THE  
3       PENAL LAW.

4       AS USED IN THIS SECTION, THE TERM EMPLOYEE SHALL INCLUDE A PERSON WHO  
5       IS REGISTERED AS A VOLUNTEER TO PROVIDE A SERVICE TO INMATES AT A  
6       CORRECTIONAL FACILITY.

7       S 2. This act shall take effect immediately.