

7500--A

Cal. No. 289

2015-2016 Regular Sessions

I N   A S S E M B L Y

May 13, 2015

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Introduced by M. of A. JOYNER, O'DONNELL, SEPULVEDA -- read once and referred to the Committee on Correction -- ordered to a third reading -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the correction law, in relation to notification of death of inmates to next of kin

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

1     Section 1. Paragraph (e) of subdivision 1 of section 47 of the  
2     correction law, as added by chapter 865 of the laws of 1975, is amended  
3     to read as follows:  
4     (e) (I) Investigate and report to the commission on the condition of  
5     systems for the delivery of medical care to inmates of correctional  
6     facilities and where appropriate recommend such changes as it shall deem  
7     necessary and proper to improve the quality and availability of such  
8     medical care.  
9     (II) THE BOARD SHALL BE RESPONSIVE TO INQUIRIES FROM THE NEXT OF KIN  
10    AND OTHER PERSON DESIGNATED AS A REPRESENTATIVE OF ANY INMATE WHOSE  
11    DEATH TAKES PLACE DURING CUSTODY IN A STATE CORRECTIONAL FACILITY  
12    REGARDING THE CIRCUMSTANCES SURROUNDING THE DEATH OF SUCH INMATE.  
13    CONTACT INFORMATION FOR THE NEXT OF KIN AND DESIGNATED REPRESENTATIVE  
14    SHALL BE PROVIDED BY THE DEPARTMENT TO THE BOARD FROM THE EMERGENCY  
15    CONTACT INFORMATION PREVIOUSLY PROVIDED BY THE INMATE TO THE DEPARTMENT.  
16    S 2. The correction law is amended by adding a new section 624 to read  
17    as follows:  
18    S 624. NEXT OF KIN; DEATH OF INMATE. THE DEPARTMENT SHALL BE RESPON-  
19    SIVE TO INQUIRIES FROM THE NEXT OF KIN AND OTHER PERSON DESIGNATED AS  
20    THE REPRESENTATIVE OF ANY INMATE WHOSE DEATH TAKES PLACE DURING CUSTODY  
21    REGARDING THE CIRCUMSTANCES SURROUNDING THE DEATH OF SUCH INMATE, THE  
22    MEDICAL PROCEDURES USED AND THE CAUSE OF DEATH INCLUDING PRELIMINARY

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

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1 DETERMINATIONS AND FINAL DETERMINATION AS REPORTED BY AN AUTOPSY REPORT.  
2 THE NEXT OF KIN AND OTHER PERSON DESIGNATED AS A REPRESENTATIVE SHALL BE  
3 IDENTIFIED FROM THE EMERGENCY CONTACT INFORMATION PREVIOUSLY PROVIDED BY  
4 THE INMATE TO THE DEPARTMENT.

5 S 3. Section 16 of the correction law, as added by chapter 109 of the  
6 laws of 1980, is amended to read as follows:

7 S 16. Expense of autopsy; state charge. 1. The reasonable expense of  
8 any inquiry, autopsy, examination or report prepared thereon conducted  
9 by a coroner, coroner's physician or medical examiner as required by law  
10 with respect to any death occurring to an inmate of an institution oper-  
11 ated by the department shall, to the extent not otherwise reimbursed by  
12 the state, be a state charge. Reimbursement of such expense shall be  
13 made on vouchers submitted annually and certified by the chief fiscal  
14 officer of the county or city as the case may be on the audit and  
15 warrant of the comptroller.

16 2. THE DEPARTMENT SHALL ACQUIRE A PRELIMINARY OR FINAL DEATH CERTIF-  
17 ICATE FOR SUCH INMATE FROM A CORONER, CORONER'S PHYSICIAN OR MEDICAL  
18 EXAMINER AND FORWARD SUCH ORIGINAL DEATH CERTIFICATE TO THE NEXT OF KIN.

19 S 4. This act shall take effect on the one hundred twentieth day after  
20 it shall have become a law. Effective immediately, the addition, amend-  
21 ment and/or repeal of any rules or regulations necessary for the imple-  
22 mentation of the foregoing sections of this act on its effective date  
23 are authorized to be made on or before such effective date.