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

7500--A

Cal. No. 289

2015-2016 Regular Sessions

I N A S S E M B L Y

May 13, 2015

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:

Section 1. Paragraph (e) of subdivision 1 of section 47 of the correction law, as added by chapter 865 of the laws of 1975, is amended to read as follows:

(e) (I) Investigate and report to the commission on the condition of systems for the delivery of medical care to inmates of correctional facilities and where appropriate recommend such changes as it shall deem necessary and proper to improve the quality and availability of such medical care.

(II) THE BOARD SHALL BE RESPONSIVE TO INQUIRIES FROM THE NEXT OF KIN AND OTHER PERSON DESIGNATED AS A REPRESENTATIVE OF ANY INMATE WHOSE DEATH TAKES PLACE DURING CUSTODY IN A STATE CORRECTIONAL FACILITY REGARDING THE CIRCUMSTANCES SURROUNDING THE DEATH OF SUCH INMATE. CONTACT INFORMATION FOR THE NEXT OF KIN AND DESIGNATED REPRESENTATIVE SHALL BE PROVIDED BY THE DEPARTMENT TO THE BOARD FROM THE EMERGENCY CONTACT INFORMATION PREVIOUSLY PROVIDED BY THE INMATE TO THE DEPARTMENT.

S 2. The correction law is amended by adding a new section 624 to read as follows:

S 624. NEXT OF KIN; DEATH OF INMATE. THE DEPARTMENT SHALL BE RESPONSIVE TO INQUIRIES FROM THE NEXT OF KIN AND OTHER PERSON DESIGNATED AS THE REPRESENTATIVE OF ANY INMATE WHOSE DEATH TAKES PLACE DURING CUSTODY REGARDING THE CIRCUMSTANCES SURROUNDING THE DEATH OF SUCH INMATE, THE 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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DETERMINATIONS AND FINAL DETERMINATION AS REPORTED BY AN AUTOPSY REPORT. THE NEXT OF KIN AND OTHER PERSON DESIGNATED AS A REPRESENTATIVE SHALL BE IDENTIFIED FROM THE EMERGENCY CONTACT INFORMATION PREVIOUSLY PROVIDED BY THE INMATE TO THE DEPARTMENT.

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

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

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

S 4. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rules or regulations necessary for the implementation of the foregoing sections of this act on its effective date are authorized to be made on or before such effective date.