

4903

2015-2016 Regular Sessions

I N S E N A T E

April 23, 2015

Introduced by Sen. GALLIVAN -- (at request of the State Commission of Correction) -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the county law and the correction law, in relation to the correction medical review board's access to inmate autopsies

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

1 Section 1. Subdivision 5 of section 674 of the county law, as amended
2 by chapter 491 of the laws of 1987, is amended to read as follows:
3 5. [The] NOTWITHSTANDING SECTION SIX HUNDRED SEVENTY OF THIS ARTICLE
4 OR ANY OTHER PROVISION OF LAW, THE coroner, coroner's physician or
5 medical examiner shall promptly perform or cause to be performed an
6 autopsy and to prepare an autopsy report which shall include a toxico-
7 logical report and any report of any examination or inquiry with respect
8 to any death occurring within his county to an inmate of a correctional
9 facility as defined by subdivision three of section forty of the
10 correction law, whether or not the death occurred inside such facility.
11 S 2. Subdivision 6 of section 677 of the county law, as amended by
12 section 1 of part C of chapter 501 of the laws of 2012, is amended to
13 read as follows:
14 6. [The] NOTWITHSTANDING SECTION SIX HUNDRED SEVENTY OF THIS ARTICLE
15 OR ANY OTHER PROVISION OF LAW, THE coroner, coroner's physician or
16 medical examiner shall promptly provide the chairman of the correction
17 medical review board and the commissioner of [correctional services]
18 CORRECTIONS AND COMMUNITY SUPERVISION with copies of any autopsy report,
19 toxicological report or any report of any examination or inquiry
20 prepared with respect to any death occurring to an inmate of a correc-
21 tional facility as defined by subdivision three of section forty of the
22 correction law within his county; and shall promptly provide the execu-
23 tive director of the justice center for the protection of people with
24 special needs with copies of any autopsy report, toxicology report or

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

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1 any report of any examination or inquiry prepared with respect to the
2 death of any service recipient occurring while he or she was a resident
3 in any facility operated, licensed or certified by any agency within the
4 department of mental hygiene, the office of children and family
5 services, the department of health or the state education department. If
6 the toxicological report is prepared pursuant to any agreement or
7 contract with any person, partnership, corporation or governmental agen-
8 cy with the coroner or medical examiner, such report shall be promptly
9 provided to the chairman of the correction medical review board, the
10 commissioner of [correctional services] CORRECTIONS AND COMMUNITY SUPER-
11 VISION or the executive director of the justice center for people with
12 special needs, as appropriate, by such person, partnership, corporation
13 or governmental agency.

14 S 3. Subdivision 3 of section 46 of the correction law, as added by
15 chapter 865 of the laws of 1975, is amended to read as follows:

16 3. In any case where a person in charge or control of a correctional
17 facility or an officer or employee thereof shall fail to comply with the
18 provisions of subdivision one, OR IN ANY CASE WHERE A CORONER, CORONER'S
19 PHYSICIAN OR MEDICAL EXAMINER SHALL FAIL TO COMPLY WITH THE PROVISIONS
20 OF SUBDIVISION SIX OF SECTION SIX HUNDRED SEVENTY-SEVEN OF THE COUNTY
21 LAW, the commission may apply to the supreme court for an order directed
22 to such person requiring compliance therewith. Upon such application the
23 court may issue such order as may be just and a failure to comply with
24 the order of the court shall be a contempt of court and punishable as
25 such.

26 S 4. This act shall take effect immediately.