

5427

2015-2016 Regular Sessions

I N S E N A T E

May 14, 2015

Introduced by Sen. RIVERA -- 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 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 REGARDING THE CIRCUMSTANCES SURROUNDING
12 THE DEATH OF SUCH INMATE. CONTACT INFORMATION FOR THE NEXT OF KIN AND
13 DESIGNATED REPRESENTATIVE SHALL BE PROVIDED BY THE DEPARTMENT TO THE
14 BOARD FROM THE EMERGENCY CONTACT INFORMATION PREVIOUSLY PROVIDED BY THE
15 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
23 DETERMINATIONS AND FINAL DETERMINATION AS REPORTED BY AN AUTOPSY REPORT.
24 THE NEXT OF KIN AND OTHER PERSON DESIGNATED AS A REPRESENTATIVE SHALL BE

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

LBD11069-01-5

1 IDENTIFIED FROM THE EMERGENCY CONTACT INFORMATION PREVIOUSLY PROVIDED BY
2 THE INMATE TO THE DEPARTMENT.

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

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

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

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