

7500

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 -- read once and referred to  
the Committee on 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 ASSEM-  
BLY, 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.

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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.