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

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:

Section 1. Subdivision 5 of section 674 of the county law, as amended by chapter 491 of the laws of 1987, is amended to read as follows:

5. [The] NOTWITHSTANDING SECTION SIX HUNDRED SEVENTY OF THIS ARTICLE OR ANY OTHER PROVISION OF LAW, THE coroner, coroner's physician or medical examiner shall promptly perform or cause to be performed an autopsy and to prepare an autopsy report which shall include a toxicological report and any report of any examination or inquiry with respect to any death occurring within his county to an inmate of a correctional facility as defined by subdivision three of section forty of the correction law, whether or not the death occurred inside such facility.

S 2. Subdivision 6 of section 677 of the county law, as amended by section 1 of part C of chapter 501 of the laws of 2012, is amended to read as follows:

6. [The] NOTWITHSTANDING SECTION SIX HUNDRED SEVENTY OF THIS ARTICLE OR ANY OTHER PROVISION OF LAW, THE coroner, coroner's physician or medical examiner shall promptly provide the chairman of the correction medical review board and the commissioner of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION with copies of any autopsy report, toxicological report or any report of any examination or inquiry prepared with respect to any death occurring to an inmate of a correctional facility as defined by subdivision three of section forty of the correction law within his county; and shall promptly provide the executive director of the justice center for the protection of people with 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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any report of any examination or inquiry prepared with respect to the death of any service recipient occurring while he or she was a resident in any facility operated, licensed or certified by any agency within the department of mental hygiene, the office of children and family services, the department of health or the state education department. If the toxicological report is prepared pursuant to any agreement or contract with any person, partnership, corporation or governmental agency with the coroner or medical examiner, such report shall be promptly provided to the chairman of the correction medical review board, the commissioner of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION or the executive director of the justice center for people with special needs, as appropriate, by such person, partnership, corporation or governmental agency.

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

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

S 4. This act shall take effect immediately.