

# STATE OF NEW YORK

5778

2017-2018 Regular Sessions

## IN ASSEMBLY

February 15, 2017

Introduced by M. of A. SIMOTAS, LUPARDO -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law, in relation to the availability of subject matter lists of records in the possession of a state agency

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (c) of subdivision 3 of section 87 of the public  
2 officers law, as amended by chapter 499 of the laws of 2008, is amended  
3 to read as follows:

4 (c) a reasonably detailed current list by subject matter of all  
5 records in the possession of the agency, whether or not available under  
6 this article. Each agency shall update its subject matter list annually,  
7 and the date of the most recent update shall be conspicuously indicated  
8 on the list. Each state agency as defined in subdivision four of this  
9 section shall provide a copy of its current list without charge to a  
10 person who requests it, and shall transmit a copy of its current list to  
11 the committee on open government within thirty days of updating such  
12 list. Each such state agency that maintains a website shall post its  
13 current list on its website [~~and such posting shall be linked to the~~  
14 ~~website of the committee on open government. Any such agency that does~~  
15 ~~not maintain a website shall arrange to have its list posted on the~~  
16 ~~website of the committee on open government~~]. In its annual report to  
17 the governor and the legislature, the committee on open government shall  
18 identify any state agency that has not transmitted an updated subject  
19 matter list as required by this paragraph.

20 § 2. Notwithstanding the provisions of section one of this act, the  
21 department of corrections and community supervision shall not be  
22 required to make copies of its current list of all records by subject  
23 matter available to inmates without charge, provided that one or more  
24 copies of such list is available to inmates without charge and provided

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

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1 that one or more copies of such list is available to inmates for review  
2 at every correctional facility inmate law library.  
3 § 3. This act shall take effect on the first of November next succeed-  
4 ing the date on which it shall have become a law; provided, however,  
5 that the committee on open government shall not be required to identify  
6 any state agency that has not transmitted an updated subject matter list  
7 in its first annual report subsequent to such date.