

STATE OF NEW YORK

8150

IN SENATE

April 9, 2018

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT creating a temporary state commission relating to local correctional facilities in upstate New York; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. A temporary state commission is hereby created to study and
2 make recommendations relating to local correctional facilities located
3 outside of the boundaries of a city with a population of more than one
4 million people. The commission will place particular emphasis on medical
5 and mental health care, overcrowding, inmate deaths, use of force and
6 solitary confinement, but will not be restricted to those topics.

7 § 2. The commission shall consist of eleven members to be appointed as
8 follows: five shall be appointed by the governor; two shall be appointed
9 by the temporary president of the senate and one by the minority leader
10 of the senate; and two shall be appointed by the speaker of the assembly
11 and one by the minority leader of the assembly. The members of such
12 commission shall serve at the pleasure of the official making the
13 appointment of such member. Of the five members appointed by the gover-
14 nor, none shall be an elected official or current employee of a local
15 correctional facility or other branch of county government, one shall be
16 from the state commission of correction and one shall be from Disability
17 Rights New York. The remaining nine members of the commission must
18 reside in counties under the purview of this commission. Vacancies in
19 the membership of the commission shall be filled in the manner provided
20 for original appointments. Membership on the commission shall not
21 constitute a public office. The governor shall appoint the chair of the
22 commission.

23 § 3. The members of the commission shall receive no compensation for
24 their services, but shall be allowed their actual and necessary expenses
25 incurred in the performance of their duties pursuant to this act.

26 § 4. The members of the commission shall be given unrestricted access
27 to all local correctional facilities in the state, including the ability

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

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1 to conduct confidential interviews of inmates and employees of such
2 facilities and to receive unredacted copies of any documents maintained
3 by such facilities, although documents that are confidential under state
4 or federal law may not be disclosed to individuals or organizations
5 otherwise unauthorized to obtain such documents by the commission or its
6 members. The commission shall also hold at least one public hearing in
7 each of the cities of Albany, Buffalo, Plattsburgh, Poughkeepsie,
8 Rochester, Syracuse and Utica, and shall have all the powers of a legis-
9 lative committee pursuant to the legislative law.

10 § 5. The commission shall issue periodic reports of its findings and
11 publish a final report of its findings and make any recommendations it
12 may deem necessary and appropriate to the governor, the temporary presi-
13 dent of the senate, the speaker of the assembly, the chairperson of the
14 senate crime victims, crime and correction committee, and the chair-
15 person of the assembly committee on correction no later than three years
16 after the effective date of this act.

17 § 6. This act shall take effect immediately and shall expire and be
18 deemed repealed 3 years after such date.