

# STATE OF NEW YORK

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2169

2019-2020 Regular Sessions

## IN SENATE

January 23, 2019

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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 (including the use of private contractors), over-  
6 crowding, inmate deaths, use of force, restraints, and all segregation  
7 and confinement practices and solitary confinement, but will not be  
8 restricted to those topics.

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

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

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

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

15     § 5. The commission shall issue periodic reports, no less than annual-  
16 ly, of its findings and publish a final report of its findings and make  
17 any recommendations it may deem necessary and appropriate to the gover-  
18 nor, the temporary president of the senate, the speaker of the assembly,  
19 the chairperson of the senate crime victims, crime and correction  
20 committee, and the chairperson of the assembly committee on correction  
21 no later than three years after the effective date of this act. The  
22 report shall also make recommendations for needed regulatory changes to  
23 the chairperson of the state commission of correction.

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