STATE OF NEW YORK

4842

2019-2020 Regular Sessions

IN SENATE

March 27, 2019

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

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:

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

§ 2. The commission shall consist of eleven members to be appointed as follows:

a. The chairman of the temporary state commission of correction established pursuant to subdivision 1 of this section and the executive director of the independent agency which conducts and coordinates the protection and advocacy and client assistance programs, as established pursuant to subdivision (b) of section 558 of the executive law and federal law, or their representatives;

b. Nine members to be appointed as follows: three shall be appointed by the governor; two shall be appointed by the temporary president of the senate and one by the minority leader of the senate; and two shall be appointed by the speaker of the assembly and one by the minority leader of the assembly. Of the three members appointed by the governor, none shall be an elected official or current employee of a local correctional facility or other branch of county government. Such nine members

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

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of the commission must reside in counties under the purview of this commission. Vacancies in the appointed membership of the commission shall be filled in the manner provided for original appointments.

c. Membership on the commission shall not constitute a public office. The governor shall appoint the chair of the commission.

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

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

§ 5. The commission shall issue periodic reports, no less than annually, of its findings and publish a final report of its findings and make any recommendations it may deem necessary and appropriate to the governor, the temporary president of the senate, the speaker of the assembly, the chairperson of the senate crime victims, crime and correction committee, and the chairperson of the assembly committee on correction no later than three years after the effective date of this act. The report shall also make recommendations for needed regulatory changes to the chairperson of the state commission of correction.

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