STATE OF NEW YORK

5751

2019-2020 Regular Sessions

IN SENATE

May 14, 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 establishing a temporary state commission to study and make recommendations on violence in state correctional facilities; 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 to the governor and the legislature concerning the causes and consequences of violence in state correctional facilities. The commission will place particular emphasis on changes in levels of violence and the causes of those changes, but will not be restricted to those topics.

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

(i) the commissioner of the department of correctional services and community supervision or his or her designee, who shall serve as chair of the commission;

(ii) the commissioner of the office of mental health or his or her designee;

(iii) the president of the union representing correctional officers or his or her designee;

(iv) the president of the union representing correctional lieutenants or his or her designee;

(v) the president of the union representing professional employees or his or her designee;

(vi) the president of John Jay College of Criminal Justice or his or her designee;

(vii) the executive director of the Correctional Association of New York or his or her designee;

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

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(viii) the executive director of Prisoner's Legal Services of New York or his or her designee; and

(ix) six members to be appointed as follows:

(1) two shall be appointed by the governor;

(2) two shall be appointed by the temporary president of the senate; and

(3) two shall be appointed by the speaker of the assembly.

b. Vacancies in the appointed members of the commission shall be filled in the manner provided for original appointments. Membership on the commission shall not constitute a public office.

§ 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 hereunder.

§ 4. The members of the commission shall be given unrestricted access to all state correctional 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 by members of the commission to individuals or organizations otherwise unauthorized to receive such documents and all such copies of such documents shall be destroyed upon the expiration of this act.

§ 5. The commission shall 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 correction committee no later than two years after the effective date of this act.

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