STATE OF NEW YORK

2638

2021-2022 Regular Sessions

IN SENATE

January 22, 2021

Introduced by Sens. GALLIVAN, AKSHAR, HELMING -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the correction law, in relation to the subpoena power of the commissioner of the department of correctional services

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

Section 1. Subdivision 3 of section 112 of the correction law, as amended by section 19 of subpart A of part C of chapter 62 of the laws of 2011, is amended to read as follows:

3. The commissioner may require reports from the superintendent or any other officer or employee of the department assigned to any correctional facility or to perform community supervision in relation to his or her conduct as such officer or employee, and shall have the power to inquire into any improper conduct which may be alleged to have been committed by any person at any correctional facility or in the course of his or her performance of community supervision, and for that purpose to issue subpoenas to compel the attendance of witnesses, and the production before him or her of books, writings and papers. A subpoena issued under this section shall be regulated by the civil practice law and rules**, provided, however, any officer or employee of the department whose personal information is the subject of a subpoena duces tecum shall be provided written notice of such subpoena duces tecum within five business days of the commissioner issuing such subpoena**.

§ 2. This act shall take effect immediately.

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

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