STATE OF NEW YORK

3210--A

2021-2022 Regular Sessions

IN SENATE

January 28, 2021

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- recommitted to the Committee on Crime Victims, Crime and Correction in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law, in relation to prohibiting corrections employees from participating in degrading behavior towards incarcerated persons or fellow employees

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

Section 1. Subdivision 5 of section 137 of the correction law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

5. No incarcerated individual in the care or custody of the department shall be subjected to degrading**, racist or discriminatory** treatment, and no officer or other employee of the department shall inflict any blows whatever upon any incarcerated individual, unless in self defense, or to suppress a revolt or insurrection. When any incarcerated individual, or group of incarcerated individuals, shall offer violence to any person, or do or attempt to do any injury to property, or attempt to escape, or resist or disobey any lawful direction, the officers and employees shall use all suitable means to defend themselves, to maintain order, to enforce observation of discipline, to secure the persons of the offenders and to prevent any such attempt or escape. **No employee of the department shall insult an incarcerated individual or department employee by calling such individual a degrading name or otherwise engaging in treatment intended to humiliate, offend, provoke or denigrate such individual based on his or her age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, or the nature of**

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

LBD03956-05-2

the individual's crime of conviction. Any employee who engages in such degrading treatment of an incarcerated individual or another employee shall be disciplined by the department and may have their employment terminated for cause.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.