

# STATE OF NEW YORK

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8912--A

## IN ASSEMBLY

January 19, 2022

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Introduced by M. of A. WEPRIN, LUPARDO -- read once and referred to the Committee on Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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, incarcerated individual deaths, use of force, restraints, and  
7 all segregation and confinement practices and solitary confinement, but  
8 will not be restricted to those topics.

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

11 a. The chairman of the temporary state commission of correction estab-  
12 lished pursuant to section one of this act and the executive director of  
13 the independent agency which conducts and coordinates the protection and  
14 advocacy and client assistance programs, as established pursuant to  
15 subdivision (b) of section 558 of the executive law and federal law, or  
16 their representatives;

17 b. Nine members to be appointed as follows: three shall be appointed  
18 by the governor; two shall be appointed by the temporary president of  
19 the senate and one by the minority leader of the senate; and two shall  
20 be appointed by the speaker of the assembly and one by the minority  
21 leader of the assembly. Of the three members appointed by the governor,  
22 none shall be an elected official or current employee of a local correc-  
23 tional facility or other branch of county government. Such nine members  
24 of the commission must reside in counties under the purview of this  
25 commission. Vacancies in the appointed membership of the commission  
26 shall be filled in the manner provided for original appointments.

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

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

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

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

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

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