STATE OF NEW YORK

5709

2023-2024 Regular Sessions

IN ASSEMBLY

March 22, 2023

Introduced by M. of A. GALLAGHER, AUBRY, DICKENS, FORREST, MAMDANI -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to the membership of the state commission of correction

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

Section 1. Section 41 of the correction law, as added by chapter 865 of the laws of 1975, is amended to read as follows:

§ 41. State commission of correction; organization. 1. **(a)** There shall be within the executive department a state commission of correction. It shall consist of [~~three~~] **nine** persons [~~to be~~]**, three of whom shall be** appointed by the governor[~~, by and with the advice and consent of the senate~~]**, two of whom shall be appointed by the speaker of the assembly, two of whom shall be appointed by the temporary president of the senate, and two of whom shall be appointed by the correctional association. No nominee shall be confirmed unless: (i) at least thirty days have passed from the date that such nominee was nominated by the appointing authority; (ii) at least ten days have passed after the convening of a legislative hearing or hearings conducted by the relevant committees of the senate and assembly regarding the nominee's qualifications at which the nominee shall appear; and (iii) a majority of members of each relevant senate committee shall have voted to report the nomination to the full senate.**

(b) Of the members appointed by the speaker of the assembly, one shall be a person formerly incarcerated in a correctional facility located in New York and one shall have a professional background in public health. Of the members appointed by the temporary president of the senate, one shall have a professional background in behavioral healthcare and one shall be an attorney duly licensed to practice in this state and shall have a professional background in indigent criminal defense services or prisoner's rights litigation. The remaining members of the commission

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

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may have professional expertise in any other field deemed useful for the promotion of an efficient, humane, and lawful correctional system. The [~~governor~~] members of the commission shall annually designate one of the appointed members as [~~chairman~~] chairperson to serve [~~as such~~] at [~~the~~] their pleasure [~~of the governor~~]. The members shall devote full time to their duties and shall hold no other salaried public position.

2. The members shall hold office for terms of five years; provided that [~~of~~] the [~~three members first appointed, one shall serve for a term of two years, one shall serve for a term of three years and one shall serve for a term of five years from January first next succeeding their appointment~~] first two members appointed by the speaker of the assembly shall serve for a term of two years; the first two members appointed by the temporary president of the senate shall serve for a term of three years; and the first two members appointed by the correctional association shall serve for a term of four years. No member shall serve for more than ten years. Any member of the commission may be removed by the governor for cause after an opportunity to be heard in his or her defense.

3. Any member chosen to fill a vacancy created other than by expiration of term shall be appointed for the unexpired term of the member whom he or she is to succeed. Vacancies caused by expiration of term or otherwise shall be filled in the same manner as original appointments; provided, however, that if a position on the commission remains vacant for any period longer than one hundred eighty days, the members of the commission may select an individual to temporarily fill such vacancy whose selection satisfies the original requirements of the appointment pursuant to paragraph (b) of subdivision one of this section.

§ 2. This act shall take effect immediately.