

STATE OF NEW YORK

3322

2023-2024 Regular Sessions

IN ASSEMBLY

February 2, 2023

Introduced by M. of A. EPSTEIN -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to establishing a task force to address policies related to the treatment of transgender, gender nonconforming, non-binary, and intersex individuals in custody

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

1 Section 1. The correction law is amended by adding a new section 627
2 to read as follows:

3 § 627. Task force on transgender, gender nonconforming, non-binary,
4 and intersex individuals in custody; functions, powers and duties. 1.
5 There is hereby established a task force to review the department's
6 policies related to the treatment and housing of transgender, gender
7 nonconforming, non-binary, and intersex individuals in the department's
8 custody.

9 2. (a) Such task force shall consist of nine persons to be appointed
10 by the governor, by and with the advice and consent of the senate. The
11 members of the task force shall include one person who is:

12 (i) a formerly incarcerated individual of a correctional facility;

13 (ii) a formerly or currently incarcerated individual in a transgender
14 housing unit, to the extent practicable;

15 (iii) a representative of a service provider that serves transgender,
16 gender nonconforming, non-binary, and intersex individuals in custody;

17 (iv) a representative of a local or national organization that
18 addresses issues related to transgender, gender nonconforming, non-bi-
19 nary, and intersex individuals;

20 (v) a duly licensed mental health professional who has professional
21 experience or training with regard to transgender, gender nonconform-
22 ing, non-binary, and intersex individuals in custody;

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

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1 (vi) a duly licensed medical professional who has professional expe-
2 rience or training with regard to transgender, gender nonconforming,
3 non-binary, and intersex individuals;

4 (vii) an attorney admitted to practice in this state;

5 (viii) a former correction officer; and

6 (ix) a discharged LGBT veteran, as defined in section one of the
7 veterans' services law, who has received a discharge other than bad
8 conduct or dishonorable from such service.

9 (b) Any vacancies in the membership of the task force shall be filled
10 in the same manner as the original appointment. All members shall be
11 appointed to the task force within sixty days of the effective date of
12 this section. Any appointed member of the task force may be removed by
13 the governor for cause after an opportunity to be heard in their
14 defense.

15 (c) The members of the task force shall meet at least quarterly.
16 Compensation for the task force members shall be at the rate of four
17 hundred dollars per day and members shall hold no other salaried public
18 position. Each member shall be entitled to receive such member's actual
19 and necessary expenses incurred in the performance of such member's
20 duties.

21 3. The task force and each member thereof shall have the following
22 functions, powers and duties:

23 (a) To have access, at any and all times, to any state or local
24 correctional facility or part thereof and to all books, records, and
25 data pertaining to any state or local correctional facility which are
26 deemed necessary for carrying out the task force's functions, powers and
27 duties;

28 (b) To obtain from administrators, officers or employees of any state
29 or local correctional facility any information deemed necessary for the
30 purpose of carrying out its functions, powers and duties;

31 (c) To hold public and private hearings for specified purposes, take
32 testimony, subpoena witnesses, and require production of books, records,
33 and data which are deemed necessary for carrying out the task force's
34 functions, powers and duties;

35 (d) To request and receive temporary office space in any local correc-
36 tional facility for the purpose of carrying out its functions, powers
37 and duties;

38 (e) To no later than one year after the effective date of this section
39 and annually thereafter, submit a report containing recommendations
40 regarding policies related to the treatment and housing of transgender,
41 gender nonconforming, non-binary, and intersex individuals in the
42 department's custody, and a summary of its key findings to the depart-
43 ment, the governor, the temporary president of the senate and the speak-
44 er of the assembly;

45 (f) To receive, within ninety days of such report's submission, a
46 written response from the department. Each such written report shall be
47 posted on the department's website in a format that is searchable and
48 downloadable and that facilitates printing no later than ten days after
49 its delivery to the governor, the temporary president of the senate and
50 the speaker of the assembly.

51 (g) To elect a chair from its membership by a majority vote; and

52 (h) To meet at least once per quarter at a time and place designated
53 by the task force chair.

54 § 2. This act shall take effect immediately.