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:

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

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

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

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

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

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

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

(v) a duly licensed mental health professional who has professional experience or training with regard to transgender, gender nonconforming, 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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(vi) a duly licensed medical professional who has professional experience or training with regard to transgender, gender nonconforming, non-binary, and intersex individuals;

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

(viii) a former correction officer; and

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

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

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

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

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

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

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

(d) To request and receive temporary office space in any local correctional facility for the purpose of carrying out its functions, powers and duties;

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

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

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

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

§ 2. This act shall take effect immediately.