

STATE OF NEW YORK

6482

2023-2024 Regular Sessions

IN ASSEMBLY

April 11, 2023

Introduced by M. of A. WEPRIN, LUPARDO, KELLES -- read once and referred to the Committee on Correction

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

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

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1 commission. Vacancies in the appointed membership of the commission
2 shall be filled in the manner provided for original appointments.

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

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

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

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

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29 deemed repealed 3 years after such date.