

# STATE OF NEW YORK

---

228

2023-2024 Regular Sessions

## IN SENATE

(Prefiled)

January 4, 2023

---

Introduced by Sens. GALLIVAN, HELMING -- read twice and ordered printed,  
and when printed to be committed to the Committee on Crime Victims,  
Crime and Correction

AN ACT to amend the correction law, in relation to the subpoena power of  
the commissioner of the department of corrections and community super-  
vision

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

1 Section 1. Subdivision 3 of section 112 of the correction law, as  
2 amended by section 19 of subpart A of part C of chapter 62 of the laws  
3 of 2011, is amended to read as follows:

4 3. The commissioner may require reports from the superintendent or any  
5 other officer or employee of the department assigned to any correctional  
6 facility or to perform community supervision in relation to his or her  
7 conduct as such officer or employee, and shall have the power to inquire  
8 into any improper conduct which may be alleged to have been committed by  
9 any person at any correctional facility or in the course of his or her  
10 performance of community supervision, and for that purpose to issue  
11 subpoenas to compel the attendance of witnesses, and the production  
12 before him or her of books, writings and papers. A subpoena issued under  
13 this section shall be regulated by the civil practice law and rules,  
14 provided, however, any officer or employee of the department whose  
15 personal information is the subject of a subpoena duces tecum shall be  
16 provided written notice of such subpoena duces tecum within five busi-  
17 ness days of the commissioner issuing such subpoena.

18 § 2. This act shall take effect immediately.

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

LBD00105-01-3