STATE OF NEW YORK

S. 8415 A. 8871

2025-2026 Regular Sessions

SENATE - ASSEMBLY

June 9, 2025

IN SENATE -- Introduced by Sen. SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

IN ASSEMBLY -- Introduced by M. of A. DILAN -- read once and referred to the Committee on Ways and Means

AN ACT to amend the correction law, in relation to requiring the disclosure of video footage related to the death of an incarcerated individual involving a correctional officer (Part A); to amend the correction law, in relation to requiring institutions and local correctional facilities to adhere to certain camera footage, recording and investigation standards (Part B); to amend the correction law, in relation to providing notice of the death of an incarcerated individual occurring in the custody of the department of corrections and community supervision (Part C); directing the state commission of correction to conduct a comprehensive study on deaths in state correctional facilities within New York state (Part D); to amend the county law, in relation to requiring autopsy reports to include photographs, microscopic slides, and post-mortem x-rays taken by, at the direction of, or reviewed by the person performing the autopsy (Part E); to amend the executive law and the county law, in relation to conflicts within the office of special investigation (Part F); to amend the correction law, in relation to reports on data collected from the office of special investigations (Part G); to amend the correction law, in relation to the membership of the state commission of correction (Part H); to amend the correction law, in relation to correctional facility visits by the correctional association (Part I); and to amend the civil practice law and rules, the general municipal law and the court of claims act, in relation to the tolling of statute of limitations for individuals in state custody (Part J)

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

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

LBD13360-02-5

Section 1. This act enacts into law components of legislation necessary to implement an omnibus bill related to correctional services in the state of New York. Each component is wholly contained within a Part identified as Parts A through J. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Legislative intent. The legislature finds and declares that transparency and accountability in correctional facilities are essential to maintaining public trust. This act seeks to promote accountability and deter misconduct by requiring the timely disclosure of video footage related to the death of incarcerated individuals involving correctional officers to the attorney general's office of special investigation.

§ 2. The correction law is amended by adding a new section 22-b to read as follows:

§ 22-b. Disclosure of video footage related to the death of incarcerated individuals involving correctional officers. 1. Definition. As used in this section the term "video footage" shall include, but not be limited to, recordings from fixed or stationary cameras, body-worn cameras, handheld devices, or any other recording equipment maintained or used by correctional staff within an institution or correctional facility.

2. Duty to disclose. The department shall disclose to the attorney general's office of special investigation any video footage that such office deems to be related to the death of an incarcerated individual. This shall include any case in which the attorney general's office of special investigation determines the death involves a correctional officer.

3. Timeframe for disclosure. Such video footage shall be disclosed within seventy-two hours of the occurrence of the death.

4. Redactions and exceptions. (a) No redactions shall be made to the video footage before it is disclosed to the attorney general's office of special investigation. The attorney general's office of special investigation shall maintain the confidentiality of all video footage and will determine redactions pursuant to its published video release policy.

(b) Disclosure may be delayed only if the attorney general's office of special investigation certifies that such disclosure would compromise an ongoing criminal investigation or prosecution. Such delay shall not exceed ninety days without additional certification.

§ 3. The correction law is amended by adding a new section 500-q to read as follows:

§ 500-q. Disclosure of video footage related to the death of incarcerated individuals involving correctional officers. 1. Definition. As used in this section, "video footage" shall include, but not be limited to, recordings from fixed or stationary cameras, body-worn cameras, handheld devices, or any other recording equipment maintained or used by correctional staff within a local correctional facility.

2. Duty to disclose. Any local correctional facility shall disclose to the attorney general's office of special investigation any video

footage that such office deems to be related to the death of an incarcerated individual. This shall include any case in which the attorney general's office of special investigation determines the death involves a correctional officer.

3. Timeframe for disclosure. Such video footage shall be disclosed within seventy-two hours of the occurrence of the death.

4. Redactions and exceptions. (a) No redactions shall be made to the video footage before it is disclosed to the attorney general's office of special investigation. The attorney general's office of special investigation shall maintain the confidentiality of all video footage and will determine redactions pursuant to its published video release policy.

(b) Disclosure may be delayed only if the attorney general's office of special investigation certifies that such disclosure would compromise an ongoing criminal investigation or prosecution. Such delay shall not exceed ninety days without additional certification.

§ 4. This act shall take effect immediately.

PART B

Section 1. The correction law is amended by adding a new section 628 to read as follows:

§ 628. Surveillance, recording, and investigations. 1. Definitions. For the purposes of this section, the following terms shall have the following meanings:

(a) "Covered facility" means any institution or correctional facility.

(b) "Recording request" means a formal request for access to fixed or stationary camera footage made by legal representatives, prosecutors, defendants, or their counsel, relevant to any investigation or legal proceeding involving a covered facility.

(c) "Blind spot" means any area, regardless of size, within a correctional facility that is not under continuous twenty-four-hour surveillance by fixed, stationary, or repositionable cameras, and shall include areas that contain an object that obstructs the view of such cameras, poorly lit areas, areas subject to video distortion or glare, or any area otherwise inadequately covered such that ingress, egress or any other activity occurring in such area, cannot be clearly or reliably detected or recorded.

2. Comprehensive camera coverage. (a) All covered facilities in the state shall be required to install, operate, and maintain fixed or stationary cameras sufficient to capture the activities and movement of all persons within each such covered facilities, with the exception of the interior of cells, showers, and toilet areas. For each area in which there is not fixed or stationary camera coverage of the interior of such area, cameras shall be installed, operated, and maintained which capture the ingress and egress of such areas.

(b) Fixed or stationary cameras installed in covered facilities shall capture both audio and visual footage.

(c) Each covered facility shall ensure that all fixed or stationary cameras capture a clear visual of the activities within such covered facility. The superintendent or warden or their designee shall perform regular assessments and improvements to fixed or stationary camera placement and functionality to ensure complete coverage. If at any time, the superintendent or warden or their designee becomes aware of any non-functioning fixed or stationary cameras, or any blind spot, such issues shall be documented, investigated and actions shall be taken to

remedy the problems that led to incomplete camera coverage or unavailable camera footage.

(d) Fixed or stationary cameras in covered facilities shall operate continuously for twenty-four hours a day.

3. Retention. All fixed or stationary camera footage captured under this section shall be preserved for a minimum of one year. If there is an allegation or report of any staff misconduct or rule violation, such footage from the time period of such incident shall be preserved for a minimum of five years.

4. Access to recordings. (a) Fixed or stationary camera footage from covered facilities under this section shall be provided upon request if such request is accompanied by a valid subpoena or a court order issued by a court of competent jurisdiction.

(b) Fixed or stationary camera footage relevant to any complaint, investigation, or legal proceeding shall be preserved for a minimum of five years from the date of such complaint or incident.

5. Enforcement. The office of the inspector general shall determine whether any enforcement actions are warranted for failure to install or maintain adequate fixed or stationary camera coverage, including the recommendation of monetary penalties or corrective actions.

6. Accountability and review. (a) The office of the state inspector general shall conduct annual audits of covered facilities to ensure compliance with this section. The findings of such audits shall be made available to the public through an annual report.

(b) The commissioner shall make an annual report to the speaker of the assembly, the temporary president of the senate, and the governor of all the incidents documented, investigated, and all of the actions taken pursuant to subdivision two of this section beginning one year after the effective date of this section.

§ 2. This act shall take effect one year after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART C

Section 1. Section 624 of the correction law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 624. Next of kin; death of incarcerated individual. 1. (a) The department shall [~~be responsive to inquiries from~~] promptly notify the next of kin and any other person designated as the representative of any incarcerated individual whose death takes place during custody [~~regarding~~].

(b) The department shall promptly notify the next of kin and any other person designated as a representative of the circumstances surrounding the death of such incarcerated individual, the medical procedures used and the cause of death including preliminary determinations and final determination as reported by an autopsy report as such information becomes available.

(c) The next of kin and other person designated as a representative shall be identified from the emergency contact information previously provided by the incarcerated individual to the department.

2. Within twenty-four hours after the next of kin and any other person designated as a representative has been notified of such death, the

department shall publish public notice of such death on the department's website.

§ 2. This act shall take effect immediately.

PART D

Section 1. The state commission of correction shall conduct a comprehensive study on deaths in correctional facilities of the department of corrections and community supervision to provide data-driven insights and recommendations to improve prison conditions, healthcare, and policies to prevent future tragedies. Such study shall:

1. Determine the number and causes of deaths in New York state correctional facilities over the past decade;

2. Assess the adequacy of the mental health services and medical services within correctional facilities of the department of corrections and community supervision;

3. Identify any patterns or trends in the data that may indicate systemic issues or areas needing improvement;

4. Evaluate the effectiveness of existing policies and procedures in preventing deaths in custody; and

5. Recommend measures to improve the health and safety of incarcerated individuals.

§ 2. Within one year of the effective date of this act, the state commission of correction shall issue a report of the findings of the study to the governor, the temporary president of the senate and the speaker of the assembly.

§ 3. This act shall take effect immediately.

PART E

Section 1. This act shall be known and may be cited as the "Terry Cooper autopsy accountability act".

§ 2. Subdivision 5 of section 674 of the county law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

5. Notwithstanding section six hundred seventy of this article or any other provision of law, the coroner, coroner's physician or medical examiner shall promptly perform or cause to be performed an autopsy and to prepare an autopsy report which shall include a toxicological report and any report of any examination or inquiry with respect to any death occurring within [~~his or her~~] such coroner's, coroner's physician's or medical examiner's county to an incarcerated individual of a correctional facility as defined by subdivision three of section forty of the correction law, whether or not the death occurred inside such facility. For the purposes of this subdivision, in addition to anything else required by law, an autopsy report shall include all photographs of the body, microscopic slides, and post-mortem x-rays taken by or at the direction of the person performing the autopsy, and all photographs, microscopic slides, and post-mortem x-rays reviewed by the person performing the autopsy in the course of their examination or in the course of their diagnosis of the cause of death and the means or manner of death.

§ 3. Subdivision 6 of section 677 of the county law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

6. Notwithstanding section six hundred seventy of this article or any other provision of law, the coroner, coroner's physician or medical examiner shall promptly provide the [~~chairman~~] chairperson of the

correction medical review board and the commissioner of corrections and community supervision with copies of any autopsy report, toxicological report or any report of any examination or inquiry prepared with respect to any death occurring to an incarcerated individual of a correctional facility as defined by subdivision three of section forty of the correction law within [~~his or her~~] **their** county; and shall promptly provide the executive director of the justice center for the protection of people with special needs with copies of any autopsy report, toxicology report or any report of any examination or inquiry prepared with respect to the death of any service recipient occurring while [~~he or she~~] **such person** was a resident in any facility operated, licensed or certified by any agency within the department of mental hygiene, the office of children and family services, the department of health or the state education department. If the toxicological report is prepared pursuant to any agreement or contract with any person, partnership, corporation or governmental agency with the coroner or medical examiner, such report shall be promptly provided to the [~~chairman~~] **chairperson** of the correction medical review board, the commissioner of corrections and community supervision or the executive director of the justice center for people with special needs, as appropriate, by such person, partnership, corporation or governmental agency. **For the purposes of this subdivision, in addition to anything else required by law, an autopsy report shall include all photographs of the body, microscopic slides, and post-mortem x-rays taken by or at the direction of the person performing the autopsy, and all photographs, microscopic slides, and post-mortem x-rays reviewed by the person performing the autopsy in the course of their examination or in the course of their diagnosis of the cause of death and the means or manner of death.**

§ 4. This act shall take effect on the ninetieth day after it shall have become a law and shall apply to all autopsies conducted on or after such date.

PART F

Section 1. Legislative intent and findings. The legislature vested the Office of the Attorney General with important statutory duties under section 17 of the public officers law, to provide for the defense of state employees in civil actions arising from their public employment, and section 70-b of the executive law, to investigate and, where appropriate, prosecute the deaths of individuals involving police officers or peace officers. There are circumstances where the Attorney General's duties under these two laws could conflict. It is the objective of the legislature that the Attorney General carries out its duties under both laws and does so in a manner that is consistent with the rules of professional conduct. To that end, this legislation will ensure that the Office of the Attorney General puts in place appropriate protocols and procedures to fulfill its statutory obligations under section 17 of the public officers law and section 70-b of the executive law while also meeting the standards of the rules of professional conduct. This legislation also recognizes the unique challenges that the Attorney General faces when a conflict arises in a matter involving section 70-b of the executive law and adapts the process already used by District Attorneys, and at times the Attorney General, authorizing the courts to appoint a special district attorney to act in place of the Attorney General where they may be disqualified from a matter.

§ 2. Section 70-b of the executive law is amended by adding a new subdivision 8 to read as follows:

8. (a) Notwithstanding any other provision of law, rule or regulation to the contrary, in a matter in which the attorney general's authority established under this section conflicts, or has a reasonable risk of conflicting, with the attorney general's representation of state employees in civil litigation under section seventeen of the public officers law, the attorney general may designate a deputy attorney general or assistant attorney general, including any person designated under subdivision five of this section, as provided by section nine of the public officers law, to act as attorney general for that matter in the attorney general's stead.

(b) Notwithstanding any other provision of law, rule or regulation to the contrary, the attorney general shall establish through rules and regulations, processes and procedures for screening (i) the person so designated pursuant to paragraph (a) of this subdivision, and the entire prosecution team, from records, communication, and information related to the civil defense of a police officer or peace officer as defined in subdivision one of this section, and (ii) persons involved in the civil defense of a police officer or peace officer as defined in subdivision one of this section from records, communication, and information related to the investigation and, where appropriate, prosecution of state peace or police officers under this section. The rules and regulations establishing screens shall be sufficient to satisfy the rules of professional conduct regarding conflicts and to protect the rights of state peace and police officers who are the subject of an investigation or prosecution under this section by ensuring that the individuals conducting or otherwise involved in such investigation or prosecution do not have access to any confidential information obtained in the course of the office's civil defense of state employees.

§ 3. Section 701 of the county law is amended by adding a new subdivision 6 to read as follows:

6. (a) This subdivision shall apply to the attorney general in any circumstance where the attorney general acts in place of a district attorney. Nothing in this subdivision shall invalidate a court appointment of a district attorney or other attorney made prior to the effective date of this subdivision to serve in the place of the attorney general on a particular matter under any other subdivision of this section.

(b) Notwithstanding any other provision of law to the contrary, whenever the attorney general and such assistants as the attorney general may have, is disqualified from acting in a particular matter to discharge their duties at a term of any court, a superior criminal court in the county wherein the action is triable may upon articulable reasons set forth by the attorney general for such appointment, by order:

(i) appoint some attorney at law having relevant experience and expertise, without regard to judicial department or other geographic limitations within the state, to act as special district attorney during the disqualification of the attorney general and such assistants as they may have; or

(ii) appoint a district attorney of any county to act as special district attorney, provided such district attorney agrees to accept appointment by such criminal court during such disqualification of the attorney general and such assistants as they may have.

(c) The special district attorney so appointed shall possess the powers and discharge the duties of the attorney general during the peri-

od, or for the duration of the matter, for which they shall be appointed.

(d) Where a special district attorney is appointed under this subdivision, the special district attorney may direct the exercise of such powers and the performance of such duties by any assistant or other staff in their office to assist such special district attorney to the same extent permitted by law.

(e) Any special district attorney appointed under this subdivision for a matter arising out of the attorney general's authority under section seventy-b of the executive law shall be responsible for the public report required by subdivision six of such section.

(f) Where a special district attorney is appointed under this subdivision, the department of budget, after having been notified and provided with an opportunity to be heard, shall pay the necessary disbursements of, and a reasonable compensation for, the services of the person so appointed and acting, as certified by the presiding judge or justice.

§ 4. Severability. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 5. This act shall take effect immediately; provided, however, that section two of this act shall take effect on the sixtieth day after it shall have become a law; and provided further, however, that the attorney general shall be authorized to establish through executive order or other formal action within the office, processes and procedures for screenings required by paragraph (b) of subdivision 8 of section 70-b of the executive law, as added by section two of this act, until such time as the attorney general is prepared to promulgate such rules and regulations as are necessary pursuant to such paragraph (b) of subdivision 8 of section 70-b of the executive law.

PART G

Section 1. Section 112 of the correction law is amended by adding a new subdivision 7 to read as follows:

7. (a) The commissioner shall collect data from the office of special investigations established by the department and report quarterly to the speaker of the assembly, the temporary president of the senate, and the governor regarding complaints received the previous quarter by the office. For the report period, such data and report shall include, but not be limited to:

(i) the number of confirmed and unconfirmed complaints received by the office of special investigations categorized by facility the complaint originated from, complaint type or allegation, subject of the complaint (i.e. incarcerated individual, security staff, civilian staff, or other), and how the complaint was received by the office;

(ii) the total number of complaints: assigned for an investigation by the office of special investigations; assigned to each division or unit within the office of special investigations; referred to the appropriate central office division head; referred to a facility superintendent or community supervision bureau chief for investigation; referred to a

facility superintendent or community supervision bureau chief for other appropriate action; and referred to a state, local, or federal agency with jurisdiction. Such data shall include the facility the complaint originated from and the complaint type or allegation;

(iii) the total number of investigations closed by each office of special investigations unit or division within the reporting time period;

(iv) the total number of referrals for criminal prosecution. Such data shall include the facility the complaint originated from, the complaint type or allegation, and the subject of the complaint (i.e. incarcerated individual, security staff, civilian staff, or other);

(v) the total number of referrals to the department's bureau of labor relations for consideration of employee disciplinary charges including which facility the referral originated from; and

(vi) office of special investigations staffing data including the total number of staff, position type, and number of open positions.

(b) The commissioner shall report annually the average length of time to close an investigation by the office of special investigation by division for each correctional facility and any recommendations made by the office of special investigations to the relevant departmental program areas for consideration of a revision to a policy or procedure. Such report shall categorize such recommendations by facility, the nature of the recommendation, and any action taken in response to the recommendation.

§ 2. This act shall take effect immediately.

PART H

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.

(b) The members appointed shall include, but not be limited to, at least one of each of the following:

(i) a person formerly incarcerated in a correctional facility located in New York;

(ii) a public health professional;

(iii) a behavioral healthcare professional;

(iv) an attorney duly licensed to practice in this state who has a professional background in indigent criminal defense services or prisoner's rights litigation; and

(v) a professional in any other field deemed useful for the promotion of an efficient, humane, and lawful correctional system.

(c) The [~~governor~~] members of the commission shall annually designate one of the appointed members as [~~chairman~~] chairperson to serve [~~as such~~] at [~~the~~] such members of the commission's 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~~] appointing authority who nominated the member for cause after an opportunity to be heard in [~~his~~] such member's 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~~] such new member is to succeed. Vacancies caused by expiration of term or otherwise shall be filled in the same manner as original appointments.

§ 2. Subdivision 1 of section 41 of the correction law, as amended by section 1 of part HH of chapter 55 of the laws of 2025, is amended to read as follows:

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.

(b) The members appointed shall include, but not be limited to, at least one of each of the following:

(i) a person formerly incarcerated in a correctional facility located in New York;

(ii) a public health professional;

(iii) a behavioral healthcare professional;

(iv) an attorney duly licensed to practice in this state who has a professional background in indigent criminal defense services or prisoner's rights litigation; and

(v) a professional in any other field deemed useful for the promotion of an efficient, humane, and lawful correctional system.

(c) The [~~governor~~] members of the commission shall annually designate one of the appointed members as [~~chair~~] chairperson to serve [~~as such~~] at [~~the~~] such members of the commission's pleasure [~~of the governor~~]. The members shall devote full time to their duties and shall hold no other salaried public position.

§ 3. This act shall take effect immediately; provided, however, that if section 1 of part HH of chapter 55 of the laws of 2025 shall not have taken effect on or before such date then section two of this act shall take effect on the same date and in the same manner as such part of such chapter of the laws of 2025 takes effect.

PART I

Section 1. Legislative findings. Founded in 1844 by concerned citizens of the state and deputized by the state to provide independent monitoring and oversight of the state's prisons in 1846, the Correctional Association of New York is one of the first organizations in the country created to administer civilian oversight of prisons to ensure greater transparency of correctional institutions in the state. The Correctional Association of New York's on-site access to the state's prisons and to information on state prisons is critical for the organization to provide

insight into the policies and procedures of the state's prisons through its monitoring and reporting on prison conditions, policies, and procedures for the executive, legislature, and public, playing an important role in informing debates on correctional reform and incarcerated individuals' rights.

§ 2. Subdivision 3 of section 146 of the correction law, as amended by chapter 32 of the laws of 2021, paragraph b as amended by chapter 486 of the laws of 2022, is amended to read as follows:

3. a. Notwithstanding any other provision of law to the contrary, the correctional association shall be permitted to access, visit, inspect, and examine all state correctional facilities with [~~seventy-two~~] twenty-four hours advance notice to the department. Up to twelve people may comprise the visiting party; provided, however, that only four people from the party may enter a special housing facility or unit at the same time. Prior to the visitation authorized pursuant to this subdivision, the correctional association shall provide to the department on, at least, an annual basis a list of people who will be visiting the facility or facilities, including names, dates of birth, driver's license numbers and their designation as an employee, board member, or designee in order for the department to perform prompt background checks. The department may not place restrictions on such visits and inspections, including during periods when a facility is locked down or experiencing a facility wide emergency[~~. In addition, the department may~~]; provided, however, that the department may restrict access to a portion of a facility in an emergency situation for the duration of the emergency. For the purpose of this subdivision, an emergency shall be determined by the commissioner or [~~his or her~~] the commissioner's designee and defined as a significant risk to the safety or security of the facility, or the health, safety or security of staff or incarcerated individuals, or an event that significantly compromises the operations of the facility.

b. [~~Upon twenty-four hours advance notice, at~~] At the commencement and conclusion of any visits to, or inspections and examinations of, state correctional facilities, the superintendent and executive team, to the extent practicable and upon request by the correctional association, shall meet with the correctional association. [~~Upon twenty-four hours advance notice, the~~] Privately without representatives of the central office present, representatives of the office of mental health and any other entities or agencies providing services in a facility shall meet with the correctional association, upon the correctional association's request during the course of any visit. The correctional association may meet privately with the incarcerated individual liaison committee and representatives of the incarcerated individual grievance resolution committee or any other organization of incarcerated individuals recognized by the department.

c. During the course of any such visit, inspection or examination, and upon consent of the person being interviewed, the correctional association shall have the power to interview and converse publicly or confidentially with any correctional employee or administrator, any incarcerated individual, and any other person providing, supervising, or monitoring services in a correctional facility, whether or not employed by such facility. Such interviews shall not be restricted by the department or the office of mental health or any other agency or attended by anyone on behalf of the department or the office of mental health or any other agency, nor shall there be any retaliation or adverse action taken by the department or other state agency against [~~any incarcerated individual~~] anyone who [~~agrees to speak~~] speaks with the correctional asso-

ciation. The department may not limit the number of individuals the correctional association may interview or the duration of the interviews, in any manner unreasonable under the circumstances. The correctional association shall have the power to conduct private, confidential meetings reasonable in number under [~~the~~] a facility's immediate circumstances at their pleasure and without notice to the department with incarcerated [~~people~~] individuals in housing units and in attorney visiting rooms or other rooms in the facility in which their conversations will remain confidential. No department employee may attend or listen to any such meeting without the consent of the correctional association.

d. The correctional association may request and receive from the department information and data as will enable the correctional association to carry out its functions, powers and duties.

The correctional association shall have access to the following information and records on a quarterly basis:

(i) individuals admitted into custody, which shall contain, at minimum, individual-level records of all individuals admitted to custody, including the individual's department ID, demographic information, admission type, reception facility name and housing unit, reception date, sentencing, and crime information;

(ii) individuals under custody, which shall contain, at minimum, individual-level records of all individuals presently under custody, including the individual's department ID, demographic information, current facility name and housing unit, date of original and latest reception at the facility, out counts, sentencing and crime information, and parole eligibility and relevant dates;

(iii) individuals released from custody, which shall contain, at minimum, individual-level records of all individuals released from custody, including the individual's department ID, demographic information, releasing facility name and housing unit, release date, release county, sentencing and crime information, and parole eligibility and relevant dates;

(iv) individuals on parole, which shall contain, at minimum, individual-level records of all individuals on parole, including the individual's department ID, demographic information, discharging facility name and housing unit, start and release date, sentencing and crime information, custody status, and voting pardon status;

(v) programming, education, vocational, and work assignment requirements, enrollment, and fulfillment, which shall contain, at minimum, individual-level records of all individuals under custody, including the individual's department ID, programs mandated by the department, and indicators of whether the individual is not enrolled, is on the waitlist, or has already completed any such requirement;

(vi) departmental staffing levels, which shall contain, at minimum, facility-level records of budgeted fill level, recommended staffing level, and actual filled items split by job category, including aggregate data on staff on leave, and on the average of daily closed posts for each quarter;

(vii) deaths, which shall contain, at minimum, individual-level records of all individuals who died while under custody, including the individual's department ID, date and time of death, date of report, demographic information, facility name and housing unit at time of death, location of terminal incident, reported immediate cause of death, and an indicator of whether an autopsy was performed;

(viii) unusual incidents, which shall contain, at minimum, report-level information for all unusual incidents, as defined by the department at the current time, including the incident code, the name and code of the facility where the incident took place, the date and time of the incident, the location within the facility, the name and code of the categories and subcategories indicated in the report, the roles of all individuals involved in the report (including incarcerated and nonincarcerated individuals), the weapons used by each individual, if applicable, the type of force applied by department staff on each individual, if applicable, and the degree of injury to staff and incarcerated individuals;

(ix) disciplinary charges and penalties, which shall contain, at minimum, charge-level information for all disciplinary incidents, including: the incarcerated individual's department ID and facility name; the location, date, and time of the incident; the tier, code, and description of each charge; the date of the hearing; and the outcome and penalty associated with each charge; and

(x) grievances and appeals, which shall contain, at minimum, grievance-level information for all grievances filed with the department, including those resolved informally, including: the incarcerated individual's department ID; ID, date filed, category, type, and facility of the grievance; and the outcomes and outcome dates for all reviews, including those by the incarcerated grievance resolution committee, superintendent, and central office review committee.

e. The correctional association shall periodically, but not less than every five years, conduct inspections of each state correctional facility, prioritized based on the correctional association's assessment of systemic issues, and [~~shall~~] issue reports and recommendations to the governor, the legislature and the public about the conditions and issues at [~~each such facility~~] correctional facilities. When preparing such formal reports and recommendations, the correctional association shall submit a tentative copy of such report and recommendations to the commissioner. The commissioner may submit a written response to such tentative report within sixty days of the receipt thereof, including a plan of action for addressing the findings and recommendations. When the correctional association thereafter submits its final report and recommendations, it shall contain a complete copy of the response, if any, submitted to the tentative report and recommendations.

[~~e.~~] f. The correctional association may send written and/or electronic surveys or questionnaires to people in custody or employees concerning conditions of confinement, working conditions, or other subjects within the scope of their mission without prior approval of the department. People incarcerated shall be permitted to confidentially complete and return to the correctional association such surveys either in written format or electronically. The correctional association may also receive free confidential phone calls and emails from incarcerated individuals and/or set up a confidential hotline for individuals to use if they choose to contact them. Physical mail received and sent to the correctional association is defined as privileged correspondence, and any and all processing controls, allowances for limited free postage, and advances of incarcerated individual funds for postage shall apply to privileged correspondence received and sent to the correctional association. For the purposes of this section, identical incoming blank surveys and questionnaires shall not be defined as privileged correspondence.

[~~f.~~] g. The access, visits, and inspection of state correctional facilities by the correctional association pursuant to this subdivision shall be undertaken solely in furtherance of the correctional association's lawful powers, duties and obligations, and information obtained pursuant to these powers shall be used solely in furtherance of the correctional association's mission. Employees, board members and designees shall be required to sign [~~a waiver~~] an acknowledgement of the foregoing as a condition of entry into a correctional facility pursuant to this subdivision.

§ 3. This act shall take effect immediately.

PART J

Section 1. The civil practice law and rules is amended by adding a new section 208-a to read as follows:

§ 208-a. In custody at time of cause of action. Notwithstanding any provisions of law that impose a period of limitation to the contrary or any provisions of any other law pertaining to the filing of a notice of claim or a notice of intention to file a claim as a condition precedent to commencement of an action or special proceeding, with respect to all civil claims or causes of action brought by any person to recover damages for physical, psychological, or other injury or condition suffered while under the jurisdiction and in the care and custody or supervision of: the state department of corrections and community supervision, except a person under community supervision as defined in subdivision thirty-one of section two of the correction law, a hospital as defined in subdivision two of section four hundred of the correction law, a correctional facility as defined in subdivision three of section forty of the correction law, a local correctional facility as defined in subdivision two of section forty of the correction law, or an alternate correctional facility as defined in subdivision one of section eighty-seven of the correction law, the time in which such action must commence shall be extended to three years after such person is released from such custody.

§ 2. Subdivision 8 of section 50-e of the general municipal law is amended by adding a new paragraph (c) to read as follows:

(c) Notwithstanding any provision of law to the contrary, this section shall not apply to any civil claims or causes of action brought by any person to recover damages for physical, psychological, or other injury or condition suffered while in custody pursuant to section two hundred eight-a of the civil practice law and rules.

§ 3. Section 50-i of the general municipal law is amended by adding a new subdivision 6 to read as follows:

6. Notwithstanding any provision of law to the contrary, this section shall not apply to any civil claims or causes of action brought by any person to recover damages for physical, psychological, or other injury or condition suffered while in custody pursuant to section two hundred eight-a of the civil practice law and rules.

§ 4. Section 10 of the court of claims act is amended by adding a new subdivision 11 to read as follows:

11. Notwithstanding any provision of law to the contrary, this section shall not apply to any civil claims or causes of action brought by any person to recover damages for physical, psychological, or other injury or condition suffered while in custody pursuant to section two hundred eight-a of the civil practice law and rules.

§ 5. Section 11 of the court of claims act is amended by adding a new subdivision d to read as follows:

d. Subdivision b of this section shall not apply to a claim brought by any person to recover damages for physical, psychological, or other injury or condition suffered while in custody pursuant to section two hundred eight-a of the civil practice law and rules.

§ 6. This act shall take effect immediately.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 3. This act shall take effect immediately provided, however, that the applicable effective date of Parts A through J of this act shall be as specifically set forth in the last section of such Parts.