

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

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

12 PART A

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

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

21 § 22-b. Disclosure of video footage related to the death of incarcer-
22 ated individuals involving correctional officers. 1. Definition. As
23 used in this section the term "video footage" shall include, but not be
24 limited to, recordings from fixed or stationary cameras, body-worn
25 cameras, handheld devices, or any other recording equipment maintained
26 or used by correctional staff within an institution or correctional
27 facility.

28 2. Duty to disclose. The department shall disclose to the attorney
29 general's office of special investigation any video footage that such
30 office deems to be related to the death of an incarcerated individual.
31 This shall include any case in which the attorney general's office of
32 special investigation determines the death involves a correctional offi-
33 cer.

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

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

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

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

47 § 500-q. Disclosure of video footage related to the death of incarcer-
48 ated individuals involving correctional officers. 1. Definition. As
49 used in this section, "video footage" shall include, but not be limited
50 to, recordings from fixed or stationary cameras, body-worn cameras,
51 handheld devices, or any other recording equipment maintained or used
52 by correctional staff within a local correctional facility.

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

1 footage that such office deems to be related to the death of an incar-
2 cerated individual. This shall include any case in which the attor-
3 ney general's office of special investigation determines the death
4 involves a correctional officer.

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

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

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

16 § 4. This act shall take effect immediately.

17 PART B

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

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

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

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

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

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

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

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

1 remedy the problems that led to incomplete camera coverage or unavail-
2 able camera footage.

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

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

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

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

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

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

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

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

35 PART C

36 Section 1. Section 624 of the correction law, as amended by chapter
37 322 of the laws of 2021, is amended to read as follows:

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

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

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

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

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

3 § 2. This act shall take effect immediately.

4 PART D

5 Section 1. The state commission of correction shall conduct a compre-
6 hensive study on deaths in correctional facilities of the department of
7 corrections and community supervision to provide data-driven insights
8 and recommendations to improve prison conditions, healthcare, and poli-
9 cies to prevent future tragedies. Such study shall:

10 1. Determine the number and causes of deaths in New York state correc-
11 tional facilities over the past decade;

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

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

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

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

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

25 § 3. This act shall take effect immediately.

26 PART E

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

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

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

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

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

1 correction medical review board and the commissioner of corrections and
2 community supervision with copies of any autopsy report, toxicological
3 report or any report of any examination or inquiry prepared with respect
4 to any death occurring to an incarcerated individual of a correctional
5 facility as defined by subdivision three of section forty of the
6 correction law within [~~his or her~~] their county; and shall promptly
7 provide the executive director of the justice center for the protection
8 of people with special needs with copies of any autopsy report, toxicol-
9 ogy report or any report of any examination or inquiry prepared with
10 respect to the death of any service recipient occurring while [~~he or~~
11 ~~she~~] such person was a resident in any facility operated, licensed or
12 certified by any agency within the department of mental hygiene, the
13 office of children and family services, the department of health or the
14 state education department. If the toxicological report is prepared
15 pursuant to any agreement or contract with any person, partnership,
16 corporation or governmental agency with the coroner or medical examiner,
17 such report shall be promptly provided to the [~~chairman~~] chairperson of
18 the correction medical review board, the commissioner of corrections and
19 community supervision or the executive director of the justice center
20 for people with special needs, as appropriate, by such person, partner-
21 ship, corporation or governmental agency. For the purposes of this
22 subdivision, in addition to anything else required by law, an autopsy
23 report shall include all photographs of the body, microscopic slides,
24 and post-mortem x-rays taken by or at the direction of the person
25 performing the autopsy, and all photographs, microscopic slides, and
26 post-mortem x-rays reviewed by the person performing the autopsy in the
27 course of their examination or in the course of their diagnosis of the
28 cause of death and the means or manner of death.

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

32 PART F

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

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

3 8. (a) Notwithstanding any other provision of law, rule or regulation
4 to the contrary, in a matter in which the attorney general's authority
5 established under this section conflicts, or has a reasonable risk of
6 conflicting, with the attorney general's representation of state employ-
7 ees in civil litigation under section seventeen of the public officers
8 law, the attorney general may designate a deputy attorney general or
9 assistant attorney general, including any person designated under subdi-
10 vision five of this section, as provided by section nine of the public
11 officers law, to act as attorney general for that matter in the attorney
12 general's stead.

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

31 § 3. Section 701 of the county law is amended by adding a new subdivi-
32 sion 6 to read as follows:

33 6. (a) This subdivision shall apply to the attorney general in any
34 circumstance where the attorney general acts in place of a district
35 attorney. Nothing in this subdivision shall invalidate a court appoint-
36 ment of a district attorney or other attorney made prior to the effec-
37 tive date of this subdivision to serve in the place of the attorney
38 general on a particular matter under any other subdivision of this
39 section.

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

46 (i) appoint some attorney at law having relevant experience and exper-
47 tise, without regard to judicial department or other geographic limita-
48 tions within the state, to act as special district attorney during the
49 disqualification of the attorney general and such assistants as they may
50 have; or

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

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

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

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

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

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

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

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

36 PART G

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

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

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

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

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

5 (iii) the total number of investigations closed by each office of
 6 special investigations unit or division within the reporting time peri-
 7 od;

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

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

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

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

25 § 2. This act shall take effect immediately.

26 PART H

27 Section 1. Section 41 of the correction law, as added by chapter 865
 28 of the laws of 1975, is amended to read as follows:

29 § 41. State commission of correction; organization. 1. (a) There shall
 30 be within the executive department a state commission of correction. It
 31 shall consist of [~~three~~] nine persons [~~to be~~], three of whom shall be
 32 appointed by the governor[~~, by and with the advice and consent of the~~
 33 ~~senate~~], two of whom shall be appointed by the speaker of the assembly,
 34 two of whom shall be appointed by the temporary president of the senate,
 35 and two of whom shall be appointed by the correctional association.

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

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

40 (ii) a public health professional;

41 (iii) a behavioral healthcare professional;

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

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

47 (c) The [~~governor~~] members of the commission shall annually designate
 48 one of the appointed members as [~~chairman~~] chairperson to serve [~~as~~
 49 ~~such~~] at [~~the~~] such members of the commission's pleasure [~~of the gover-~~
 50 ~~nor~~]. The members shall devote full time to their duties and shall hold
 51 no other salaried public position.

52 2. The members shall hold office for terms of five years; provided
 53 that [~~of~~] the [~~three members first appointed, one shall serve for a term~~
 54 ~~of two years, one shall serve for a term of three years and one shall~~

1 ~~serve for a term of five years from January first next succeeding their~~
 2 ~~appointment]~~ first two members appointed by the speaker of the assembly
 3 shall serve for a term of two years; the first two members appointed by
 4 the temporary president of the senate shall serve for a term of three
 5 years; and the first two members appointed by the correctional associ-
 6 ation shall serve for a term of four years. No member shall serve for
 7 more than ten years. Any member of the commission may be removed by the
 8 [~~governor~~] appointing authority who nominated the member for cause after
 9 an opportunity to be heard in [~~his~~] such member's defense.

10 3. Any member chosen to fill a vacancy created other than by expira-
 11 tion of term shall be appointed for the unexpired term of the member
 12 whom [~~he~~] such new member is to succeed. Vacancies caused by expiration
 13 of term or otherwise shall be filled in the same manner as original
 14 appointments.

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

18 1. (a) There shall be within the executive department a state commis-
 19 sion of correction. It shall consist of [~~three~~] nine persons [~~to be~~],
 20 three of whom shall be appointed by the governor[, ~~by and with the~~
 21 ~~advice and consent of the senate~~], two of whom shall be appointed by the
 22 speaker of the assembly, two of whom shall be appointed by the temporary
 23 president of the senate, and two of whom shall be appointed by the
 24 correctional association.

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

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

29 (ii) a public health professional;

30 (iii) a behavioral healthcare professional;

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

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

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

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

46

PART I

47 Section 1. Legislative findings. Founded in 1844 by concerned citizens
 48 of the state and deputized by the state to provide independent monitor-
 49 ing and oversight of the state's prisons in 1846, the Correctional Asso-
 50 ciation of New York is one of the first organizations in the country
 51 created to administer civilian oversight of prisons to ensure greater
 52 transparency of correctional institutions in the state. The Correctional
 53 Association of New York's on-site access to the state's prisons and to
 54 information on state prisons is critical for the organization to provide

1 insight into the policies and procedures of the state's prisons through
2 its monitoring and reporting on prison conditions, policies, and proce-
3 dures for the executive, legislature, and public, playing an important
4 role in informing debates on correctional reform and incarcerated indi-
5 viduals' rights.

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

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

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

45 c. During the course of any such visit, inspection or examination, and
46 upon consent of the person being interviewed, the correctional associ-
47 ation shall have the power to interview and converse publicly or confi-
48 dentially with any correctional employee or administrator, any incarcer-
49 ated individual, and any other person providing, supervising, or
50 monitoring services in a correctional facility, whether or not employed
51 by such facility. Such interviews shall not be restricted by the depart-
52 ment or the office of mental health or any other agency or attended by
53 anyone on behalf of the department or the office of mental health or any
54 other agency, nor shall there be any retaliation or adverse action taken
55 by the department or other state agency against ~~[any incarcerated indi-~~
56 ~~vidual]~~ anyone who ~~[agrees to speak]~~ speaks with the correctional asso-

1 ciation. The department may not limit the number of individuals the
2 correctional association may interview or the duration of the inter-
3 views, in any manner unreasonable under the circumstances. The correc-
4 tional association shall have the power to conduct private, confidential
5 meetings reasonable in number under ~~[the]~~ a facility's immediate circum-
6 stances at their pleasure and without notice to the department with
7 incarcerated ~~[people]~~ individuals in housing units and in attorney
8 visiting rooms or other rooms in the facility in which their conversa-
9 tions will remain confidential. No department employee may attend or
10 listen to any such meeting without the consent of the correctional asso-
11 ciation.

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

15 The correctional association shall have access to the following infor-
16 mation and records on a quarterly basis:

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

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

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

34 (iv) individuals on parole, which shall contain, at minimum, individu-
35 al-level records of all individuals on parole, including the individ-
36 ual's department ID, demographic information, discharging facility name
37 and housing unit, start and release date, sentencing and crime informa-
38 tion, custody status, and voting pardon status;

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

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

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

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

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

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

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

39 ~~[e-]~~ f. The correctional association may send written and/or electron-
40 ic surveys or questionnaires to people in custody or employees concern-
41 ing conditions of confinement, working conditions, or other subjects
42 within the scope of their mission without prior approval of the depart-
43 ment. People incarcerated shall be permitted to confidentially complete
44 and return to the correctional association such surveys either in writ-
45 ten format or electronically. The correctional association may also
46 receive free confidential phone calls and emails from incarcerated indi-
47 viduals and/or set up a confidential hotline for individuals to use if
48 they choose to contact them. Physical mail received and sent to the
49 correctional association is defined as privileged correspondence, and
50 any and all processing controls, allowances for limited free postage,
51 and advances of incarcerated individual funds for postage shall apply to
52 privileged correspondence received and sent to the correctional associ-
53 ation. For the purposes of this section, identical incoming blank
54 surveys and questionnaires shall not be defined as privileged corre-
55 spondence.

1 ~~[f.]~~ g. The access, visits, and inspection of state correctional
2 facilities by the correctional association pursuant to this subdivision
3 shall be undertaken solely in furtherance of the correctional associ-
4 ation's lawful powers, duties and obligations, and information obtained
5 pursuant to these powers shall be used solely in furtherance of the
6 correctional association's mission. Employees, board members and desig-
7 nees shall be required to sign ~~[a-waiver]~~ an acknowledgement of the
8 foregoing as a condition of entry into a correctional facility pursuant
9 to this subdivision.

10 § 3. This act shall take effect immediately.

11 PART J

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

14 § 208-a. In custody at time of cause of action. Notwithstanding any
15 provisions of law that impose a period of limitation to the contrary or
16 any provisions of any other law pertaining to the filing of a notice of
17 claim or a notice of intention to file a claim as a condition precedent
18 to commencement of an action or special proceeding, with respect to all
19 civil claims or causes of action brought by any person to recover
20 damages for physical, psychological, or other injury or condition
21 suffered while under the jurisdiction and in the care and custody or
22 supervision of: the state department of corrections and community super-
23 vision, except a person under community supervision as defined in subdi-
24 vision thirty-one of section two of the correction law, a hospital as
25 defined in subdivision two of section four hundred of the correction
26 law, a correctional facility as defined in subdivision three of section
27 forty of the correction law, a local correctional facility as defined in
28 subdivision two of section forty of the correction law, or an alternate
29 correctional facility as defined in subdivision one of section eighty-
30 seven of the correction law, the time in which such action must commence
31 shall be extended to three years after such person is released from such
32 custody.

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

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

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

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

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

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

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

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

7 § 6. This act shall take effect immediately.

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

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