

STATE OF NEW YORK

651

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. SALAZAR, BRISPORT, CLEARE, FERNANDEZ, KRUEGER, MYRIE, RIVERA, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the correction law, in relation to correctional facility visits by the correctional association

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

1 Section 1. Legislative findings. Founded in 1844 by concerned citi-
2 zens of the state and deputized by the state to provide independent
3 monitoring and oversight of the state's prisons in 1846, the Correctional
4 Association of New York is one of the first organizations in the
5 country created to administer civilian oversight of prisons to ensure
6 greater transparency of correctional institutions in the state. The
7 Correctional Association of New York's on-site access to the state's
8 prisons and to information on state prisons is critical for the organ-
9 ization to provide insight into the policies and procedures of the
10 state's prisons through its monitoring and reporting on prison condi-
11 tions, policies, and procedures for the executive, legislature, and
12 public, playing an important role in informing debates on correctional
13 reform and incarcerated individuals' rights.

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

17 3. a. Notwithstanding any other provision of law to the contrary, the
18 correctional association shall be permitted to access, visit, inspect,
19 and examine all state correctional facilities [~~with seventy-two hours~~
20 ~~advance notice to the department~~]. Up to twelve people may comprise the
21 visiting party[, ~~provided, however, that only four people from the party~~
22 ~~may enter a special housing facility or unit at the same time~~]. Prior

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

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1 to the visitation authorized pursuant to this subdivision, the correc-
2 tional association shall provide to the department on, at least, an
3 annual basis a list of people who will be visiting the facility or
4 facilities, including names, dates of birth, driver's license numbers
5 and their designation as an employee, board member, or designee in order
6 for the department to perform prompt background checks. The department
7 may not place restrictions on such visits and inspections, including
8 during periods when a facility is locked down or experiencing a facility
9 wide emergency. [~~In addition~~] However, the department may restrict
10 access to a portion of a facility in an emergency situation for the
11 duration of the emergency. For the purpose of this subdivision, an emer-
12 gency shall be determined by the commissioner or [~~his or her~~] the
13 commissioner's designee and defined as a significant risk to the safety
14 or security of the facility, or the health, safety or security of staff
15 or incarcerated individuals, or an event that significantly compromises
16 the operations of the facility.

17 b. Upon twenty-four hours advance notice, at the commencement and
18 conclusion of any visits to, or inspections and examinations of, state
19 correctional facilities, the superintendent and executive team, [~~to the~~
20 ~~extent practicable~~] upon request by the correctional association, shall
21 meet with the correctional association. Upon twenty-four hours advance
22 notice, [~~the~~] privately without representatives of the central office
23 present, representatives of the office of mental health and any other
24 entities or agencies providing services in a facility shall meet with
25 the correctional association upon request during the course of any
26 visit. The correctional association may meet privately with the incar-
27 cerated individual liaison committee and representatives of the incar-
28 cerated individual grievance resolution committee or any other organiza-
29 tion of incarcerated individuals recognized by the department.

30 c. [~~During the course of any such visit, inspection or examination,~~
31 ~~upon consent of the person being interviewed, the~~] The correctional
32 association shall have the power to interview and converse publicly or
33 confidentially with any correctional employee or administrator, any
34 incarcerated individual, and any other person providing, supervising, or
35 monitoring services in a correctional facility, whether or not employed
36 by such facility. Such interviews shall not be restricted by the depart-
37 ment or the office of mental health or any other agency or attended by
38 anyone on behalf of the department or the office of mental health or any
39 other agency, nor shall there be any retaliation or adverse action taken
40 by the department or other state agency against [~~any incarcerated indi-~~
41 ~~vidual~~] anyone who [~~agrees to speak~~] speaks with the correctional asso-
42 ciation. The department may not limit the number of individuals the
43 correctional association may interview or the duration of the inter-
44 views[~~, in any manner unreasonable under the circumstances~~]. The
45 correctional association shall have the power to conduct private, confi-
46 dential meetings [~~reasonable in number under the circumstances~~] at their
47 pleasure and without notice to the department with incarcerated people
48 in housing units and in attorney visiting rooms or other rooms in the
49 facility in which their conversations will remain confidential. No
50 department employee may attend or listen to any such meeting without the
51 consent of the correctional association.

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

55 (i) The correctional association shall have access to the following
56 information and records on a quarterly basis:

1 (A) individuals admitted into custody, which shall contain, at mini-
2 imum, individual-level records of all individuals admitted to custody,
3 including the individual's departmental ID, demographic information,
4 admission type, reception facility name and housing unit, reception
5 date, sentencing, and crime information;

6 (B) individuals under custody, which shall contain, at minimum, indi-
7 vidual-level records of all individuals presently under custody, includ-
8 ing the individual's departmental ID, demographic information, current
9 facility name and housing unit, date of original and latest reception at
10 the facility, out counts, sentencing and crime information, and parole
11 eligibility and relevant dates;

12 (C) individuals released from custody, which shall contain, at mini-
13 imum, individual-level records of all individuals released from custody,
14 including the individual's departmental ID, demographic information,
15 releasing facility name and housing unit, release date, release county,
16 sentencing and crime information, and parole eligibility and relevant
17 dates;

18 (D) individuals on parole, which shall contain, at minimum, individu-
19 al-level records of all individuals on parole, including the individ-
20 ual's departmental ID, demographic information, discharging facility
21 name and housing unit, start and release date, sentencing and crime
22 information, custody status, and voting pardon status;

23 (E) programming, education, vocational, and work assignment require-
24 ments, enrollment, and fulfillment, which shall contain, at minimum,
25 individual-level records of all individuals under custody, including the
26 individual's departmental ID, fields indicating the requirements of
27 their sentence, and indicators of whether the individual is not
28 enrolled, is on the waitlist, or has already completed any such require-
29 ment;

30 (F) departmental staffing levels, which shall contain, at minimum,
31 facility-level records of budgeted fill level, recommended staffing
32 level, and actual filled items split by job category, including data on
33 staff on long-term leave, workers compensation leave, and on the average
34 of daily closed posts for each quarter;

35 (G) deaths, which shall contain, at minimum, individual-level records
36 of all individuals who died while under custody, including the individ-
37 ual's departmental ID, date and time of death, date of report, demo-
38 graphic information, facility name and housing unit at time of death,
39 location of terminal incident, reported immediate cause of death, and an
40 indicator of whether an autopsy was performed;

41 (H) unusual incidents, which shall contain, at minimum, report-level
42 information for all unusual incidents, as defined by the department at
43 the current time, including the incident code, the name and code of the
44 facility where the incident took place, the date and time of the inci-
45 dent, the location within the facility, the name and code of the catego-
46 ries and subcategories indicated in the report, the roles of all indi-
47 viduals involved in the report (including incarcerated and
48 nonincarcerated individuals), the weapons used by each individual, the
49 type of force applied by department staff on each individual, if appli-
50 cable, and the degree of injury to staff and incarcerated individuals;

51 (I) disciplinary charges and penalties, which shall contain, at mini-
52 imum, charge-level information for all disciplinary incidents, including:
53 the incarcerated individual's departmental ID and facility name; the
54 location, date, and time of the incident; the tier, code, and
55 description of each charge; the date of the hearing; and the outcome and
56 penalty associated with each charge;

1 (J) 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 departmental 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;

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8 (K) department employee disciplinary records, which shall contain, at minimum, incident-level information for all employee discipline issued by the department, including the incident facility, date, position of the relevant employee, a brief description of the incident, and the resulting penalty; and

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13 (L) parole eligibility and hearing outcomes, which shall contain, at minimum, individual-level records for all incarcerated individuals currently under custody, including the incarcerated individual's departmental ID, parole eligibility date, type and date of interview, and date and outcome of interview.

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18 (ii) The correctional association shall have access to the annual budget of correctional facilities and records on a yearly basis. Such records shall contain facility and spending category-level information of the departmental budget for the year.

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22 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~~] shall submit a written response to such tentative report within [~~sixty~~] thirty 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.

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36 [~~e-~~] f. The correctional association may send, and distribute during prison visits, confidential written and 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.

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53 [~~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

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1 pursuant to these powers shall be used solely in furtherance of the
2 correctional association's mission. Employees, board members and desig-
3 nees shall be required to sign [~~a waiver~~] an acknowledgement of the
4 foregoing as a condition of entry into a correctional facility pursuant
5 to this subdivision.

6 § 3. This act shall take effect immediately.