STATE OF NEW YORK

8106--A

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sens. SALAZAR, BASKIN, MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- recommitted to the Committee on Crime Victims, Crime and Correction in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law and the county law, in relation to establishing the office of chief medical examiner; and to repeal certain provisions of the county law relating thereto

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

Section 1. The correction law is amended by adding a new section 47-a to read as follows:

§ 47-a. Office of chief medical examiner. 1. There shall be in the commission the office of the chief medical examiner, which for the purposes of this section may be referred to as the "office", consisting of three full-time employees, one of which shall be the chief medical examiner who shall be a doctor of medicine with a certification in forensic pathology and have experience in death investigations. The chief medical examiner shall have the authority to hire staff as necessary to perform the functions and duties of the office. Such staff shall include at least one additional forensic pathologist.

2. Every administrator of a correctional facility shall immediately report to the office of the chief medical examiner the death of an incarcerated individual of any such facility in such manner and form as the office of the chief medical examiner shall prescribe, and the office shall have the authority to, and shall, investigate such death.

3. The office of the chief medical examiner shall, notwithstanding any provision of article seventeen-A of the county law to the contrary, have

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

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such duties and responsibilities which shall include but not be limited to:

(a) upon notification of a death of an incarcerated individual in custody, report to the scene where the death occurred to evaluate the body and scene. If the office is unable to respond and take charge of the body of the deceased in an expeditious manner, the New York state police may, at the direction of the office and after conferring with the appropriate district attorney, move the body to another location until the office is able to respond. The police deployed to the location of the body shall only include officers with training in death investigations and crime scene evidence collection. Before moving the body, the police shall document all facts relevant to the appearance, condition and position of the body and every fact and circumstance tending to show the cause and circumstances of death. All interactions with the body by police or correction staff shall be recorded by body-worn and/or stationary cameras, and the video recordings shall be provided to the office immediately;

(b) conduct autopsies where determined appropriate by the chief medical examiner or their designee and forensic investigations for deaths of all incarcerated individuals under the custody of the department;

(c) prepare an autopsy report and detailed findings and promptly notify the attorney general office of special investigations of such findings;

(d) publish an annual report that includes, but is not limited to, individual-level data detailing incarcerated individual deaths investigated by the office by cause of death, manner of death, age, race/ethnicity, and sex;

(e) publish on its website preliminary death reports for all incarcerated individuals detailing date, time, preliminary cause of death, and manner within ninety days of the death of such incarcerated individual;

(f) deliver copies of all autopsy reports, toxicological reports, or any reports of any examination or inquiry prepared directly to the attorney general office of special investigations and district attorney, where appropriate; and

(g) promptly provide the commissioner of the department of corrections and community supervision with copies of any autopsy reports, toxicological reports or any reports of any examination or inquiry prepared with respect to any death occurring to an incarcerated individual of a correctional facility within their county. The office shall also promptly provide the executive director of the justice center for the protection of people with special needs with copies of any autopsy reports, toxicology reports or any reports of any examination or inquiry prepared with respect to the death of any service recipient occurring while 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 chair of the correction medical review board, the commissioner of the department of corrections and community supervision or the executive director of the justice center for the protection of 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, the copy of the autopsy report shall include all photographs of the body and post-mortem x-rays taken by or at the direction of the person performing the autopsy, and all photographs 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. Such copy of the autopsy report may also include images of all microscopic slides taken by or at the direction of the person performing the autopsy and images of all microscopic slides 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. If such images of microscopic slides are not included in the copy of the autopsy report provided pursuant to this subdivision, the copy of the autopsy report shall indicate that such images of microscopic slides have been omitted, and, upon request of the chair of the correction medical review board, the commissioner or the executive director of the justice center for the protection of people with special needs, a coroner, coroner's physician or medical examiner shall promptly provide access to inspect such microscopic slides or, where practicable, provide images of such microscopic slides.

4. In carrying out the duties prescribed by this section, the chief medical examiner or their designee shall be entitled to review and receive copies of medical records, hospital records, or information which they deem relevant to establishing the cause and manner of death. No person or hospital shall be subject to liability of any nature for providing such records or information in good faith at the request of the office.

5. The office of the chief medical examiner may use the services of the New York state police crime laboratory system for the performance of tests, documentation of evidence, investigating procedures and consultation on special problems.

§ 2. Section 47 of the correction law is amended by adding a new subdivision 3 to read as follows:

3. The chairperson of the board, with respect to the office of chief medical examiner, shall exercise the powers and duties set forth in this chapter, but shall not interfere with the performance by the chief medical examiner or their office of the powers and duties prescribed by the provisions of this section or any other law.

§ 3. Subdivision 1 of section 671 of the county law, as amended by chapter 764 of the laws of 1976 and paragraph (b) as amended by chapter 322 of the laws of 2021, is amended to read as follows:

1. The coroner, or if [~~he is~~] they are not a physician duly licensed to practice medicine in this state, the coroner and a coroner's physician, together, or in counties in which the office of coroner has been abolished, the medical examiner[~~,~~

~~(a)~~] shall make inquiry into unnatural deaths within [~~his~~] their county as prescribed by law[~~;~~

~~(b) shall make inquiry into all deaths whether natural or unnatural in his or her county occurring 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~~].

§ 4. Subdivision 1 of section 673 of the county law, as amended by chapter 1 of the laws of 2019, is amended to read as follows:

1. A coroner or medical examiner has jurisdiction and authority to investigate the death of every person dying within [~~his~~] their county, or whose body is found within the county, which is or appears to be:

(a) A violent death, whether by criminal violence, suicide or casualty;
(b) A death caused by unlawful act or criminal neglect;
(c) A death occurring in a suspicious, unusual or unexplained manner;
(d) A death while unattended by a physician, so far as can be discovered, or where no physician able to certify the cause of death as provided in the public health law and in form as prescribed by the commissioner of health can be found;
(e) A death of a person confined in a public institution other than a **correctional facility,** hospital, infirmary or nursing home.

§ 5. Subdivision 5 of section 674 of the county law is REPEALED.

§ 6. Subdivision 6 of section 677 of the county law is REPEALED.

§ 7. This act shall take effect on the one hundred eightieth day after it shall have become a law.