

STATE OF NEW YORK

11641

IN ASSEMBLY

July 29, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Tapia) --
read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to restricting certain
correctional security employees from high-risk assignments following
disciplinary action or during a disciplinary evaluation period

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

1 Section 1. Legislative findings and intent. 1. The legislature hereby
2 finds and declares that correctional emergency response team deployments
3 and other high-risk security assignments involve heightened authority,
4 responsibility, and direct contact with incarcerated individuals under
5 circumstances in which the risk of physical force, injury, retaliation,
6 or abuse may be elevated.

7 2. An independent review of the department of corrections and communi-
8 ty supervision found that existing disciplinary measures have not always
9 adequately prevented employees with prior misconduct from subsequently
10 being placed in sensitive or high-risk assignments. The review recom-
11 mended that security staff returning following disciplinary action, or
12 serving a disciplinary evaluation period, be restricted from correction-
13 al emergency response team deployments and other high-risk assignments
14 for a period proportionate to the severity of the underlying misconduct.
15 The review identified special housing, emergency response, strip search-
16 es, planned uses of force, transportation, and housing-unit assignments
17 as examples of high-risk assignments and concluded that implementation
18 may require a legislative change or changes to applicable collective
19 bargaining agreements.

20 3. The legislature further finds that restrictions on assignment
21 eligibility are necessary to protect incarcerated individuals and
22 correctional staff, reduce the likelihood of repeated misconduct, rein-
23 force accountability, and ensure that employees assigned to particularly
24 sensitive duties have demonstrated the judgment and professional conduct
25 required for such assignments.

26 4. It is therefore the intent of the legislature to establish minimum
27 statewide restrictions on high-risk assignments while preserving the

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

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1 commissioner's authority to determine the appropriate duration and scope
2 of such restrictions based upon the particular facts of each discipli-
3 nary matter.

4 § 2. The correction law is amended by adding a new section 7-a to read
5 as follows:

6 § 7-a. Restrictions on high-risk assignments following disciplinary
7 action. 1. Definitions. For purposes of this section, the following
8 terms shall have the following meanings:

9 (a) "Correctional security employee" means a correction officer,
10 correction sergeant, correction lieutenant, correction captain, or other
11 employee of the department whose regular duties include the custody,
12 supervision, security, transportation, restraint, search, or control of
13 incarcerated individuals.

14 (b) "Disciplinary action" means a final disciplinary determination,
15 settlement, stipulation, consent agreement, or other final disposition
16 under which a correctional security employee is found to have committed
17 misconduct, admits misconduct, or accepts a disciplinary penalty or
18 corrective condition in resolution of an allegation of misconduct.

19 (c) "Disciplinary evaluation period" means a period imposed as part of
20 a disciplinary determination, settlement, stipulation, consent agree-
21 ment, or other disciplinary disposition during which a correctional
22 security employee is subject to enhanced monitoring, evaluation, super-
23 vision, or discipline.

24 (d) "High-risk assignment" means an assignment in a correctional
25 facility that includes:

26 (i) service on or deployment with the correctional emergency response
27 team or any successor or comparable emergency-response, tactical,
28 disturbance-control, extraction, or special-operations unit;

29 (ii) an assignment in a special housing unit, residential rehabili-
30 tation unit, residential mental health unit, residential crisis treat-
31 ment program, step-down unit, or other restrictive or specialized hous-
32 ing unit;

33 (iii) participation in or supervision of a planned use of force, cell
34 extraction, emergency response, or deployment of a chemical agent;

35 (iv) the performance or direct supervision of a strip search, visual
36 body-cavity search, or manual body-cavity search;

37 (v) an assignment in a general-population housing unit involving regu-
38 lar and direct supervision of incarcerated individuals; or

39 (vi) any other assignment designated by the commissioner by regulation
40 as presenting an elevated risk of physical force, abuse of authority,
41 retaliation, serious injury, or interference with the reporting or
42 investigation of misconduct.

43 2. Restriction during disciplinary evaluation period. No correctional
44 security employee serving a disciplinary evaluation period shall be
45 assigned to, deployed in, permitted to bid upon, or retained in a high-
46 risk assignment. The department shall remove a correctional security
47 employee from any high-risk assignment upon the commencement of a disci-
48 plinary evaluation period and shall not restore such correctional secu-
49 rity employee to such assignment until such disciplinary evaluation
50 period has concluded and such correctional security employee has been
51 determined eligible pursuant to subdivision four of this section.

52 3. Restriction following disciplinary action. A correctional security
53 employee returning to duty following disciplinary action shall be
54 restricted from being assigned to, deployed in, permitted to bid upon,
55 or retained in a high-risk assignment for a period determined by the
56 commissioner. The duration and scope of such restriction shall be

1 proportionate to the nature and seriousness of the misconduct and shall
2 be based upon consideration of:

3 (a) the nature and severity of the misconduct;

4 (b) whether the misconduct involved the use of force, failure to
5 intervene, failure to report misconduct, false reporting, retaliation,
6 intimidation, abuse of authority, contraband, sexual misconduct,
7 discrimination, or misuse of a body-worn camera;

8 (c) whether the misconduct occurred during or was related to a high-
9 risk assignment;

10 (d) the correctional security employee's disciplinary and employment
11 history;

12 (e) the risk that assignment to the proposed duties could result in
13 repeated misconduct, retaliation, harm to another person, or interfer-
14 ence with an investigation;

15 (f) the correctional security employee's completion of any required
16 retraining, counseling, or other corrective measures; and

17 (g) any other factor relevant to the safety of incarcerated individ-
18 uals, employees, or the public.

19 4. Restoration of eligibility. (a) Completion of a disciplinary evalu-
20 ation period or other period of assignment restriction shall not auto-
21 matically restore a correctional security employee's eligibility for a
22 high-risk assignment. Prior to restoring such eligibility, the commis-
23 sioner or the commissioner's designee shall make a written determination
24 that:

25 (i) the correctional security employee has completed all disciplinary
26 conditions and required remedial training;

27 (ii) the correctional security employee has demonstrated satisfactory
28 conduct following the disciplinary action;

29 (iii) the underlying misconduct does not presently render the employee
30 unsuitable for the proposed assignment; and

31 (iv) restoration to the assignment would not create an unreasonable
32 risk to the health, safety, rights, or security of incarcerated individ-
33 uals, employees, or the public.

34 (b) The written determination shall state the basis for the decision
35 and may impose reasonable conditions upon the employee's return to a
36 high-risk assignment.

37 5. Notice. The department shall provide written notice to a correc-
38 tional security employee whenever a restriction is imposed pursuant to
39 this section. Such notice shall identify:

40 (a) the assignments from which the correctional security employee is
41 restricted;

42 (b) the basis for the restriction;

43 (c) the duration of the restriction or the process by which its dura-
44 tion shall be determined; and

45 (d) the conditions the correctional security employee is required to
46 satisfy before eligibility may be restored.

47 6. Rules and regulations. The commissioner shall promulgate any rules
48 and regulations necessary to implement this section, including:

49 (a) standards for determining the duration and scope of assignment
50 restrictions;

51 (b) procedures for reviewing and restoring eligibility;

52 (c) additional assignments that shall be considered high-risk;

53 (d) procedures to ensure that facility scheduling and assignment
54 personnel are informed when a correctional security employee is ineli-
55 gible for a high-risk assignment; and

1 (e) procedures to ensure consistent implementation across all correc-
2 tional facilities.

3 7. Collective bargaining agreements. (a) The eligibility restrictions
4 established by this subdivision shall apply notwithstanding any incon-
5 sistent provision of a collective bargaining agreement, memorandum of
6 agreement, post-bidding procedure, seniority provision, past practice,
7 or other employment arrangement.

8 (b) Nothing in this section shall be construed to:

9 (i) impair a correctional security employee's right to representation,
10 notice, a hearing, arbitration, administrative review, or judicial
11 review concerning the underlying disciplinary action;

12 (ii) constitute an additional disciplinary penalty;

13 (iii) reduce a correctional security employee's salary, rank, civil
14 service status, or benefits solely because of an assignment restriction
15 imposed pursuant to this section;

16 (iv) prevent the department from imposing a stricter or longer assign-
17 ment restriction where otherwise authorized by law; or

18 (v) interfere with the process of bidding on posts, provided that no
19 correctional security employee shall bid upon or hold a post for which
20 such correctional security employee is ineligible pursuant to this
21 section.

22 § 3. Review of current assignments. 1. Within 90 days of the effective
23 date of this act, the commissioner of corrections and community super-
24 vision shall review the assignments of all correctional security employ-
25 ees who:

26 (a) are serving a disciplinary evaluation period; or

27 (b) returned to duty following disciplinary action during the two
28 years preceding the effective date of this act.

29 2. The commissioner shall determine whether any such employee is serv-
30 ing in a high-risk assignment and shall reassign any employee who is
31 ineligible pursuant to section 7-a of the correction law, as added by
32 section two of this act.

33 § 4. This act shall take effect on the one hundred twentieth day after
34 it shall have become a law. Effective immediately, the addition, amend-
35 ment and/or repeal of any rule or regulation necessary for the implemen-
36 tation of this act on its effective date are authorized to be made and
37 completed on or before such effective date.