

# STATE OF NEW YORK

4032

2025-2026 Regular Sessions

## IN ASSEMBLY

January 30, 2025

Introduced by M. of A. VANEL -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to the duty to report incidents in correctional facilities

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

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

3 § 628. Duty to report incidents. 1. Every person employed or under  
4 contract to work in a correctional facility shall immediately report all  
5 acts of violence against an incarcerated person to the department of  
6 corrections and community supervision provided that such acts of  
7 violence meet the following criteria:

8 (a) Such act was by committed by a person employed by or under  
9 contract to work at a correctional facility against an incarcerated  
10 person or was committed by an incarcerated person or another at the  
11 direction or permission of a person employed by or under contract to  
12 work at a correctional facility;

13 (b) Such act resulted in:  
14 i. an observable physical injury to the incarcerated person; or  
15 ii. an internal injury that causes such incarcerated person to exhibit  
16 physical signs of such injury; or  
17 iii. death.

18 2. Such report shall contain:

19 (a) The date and approximate time of the occurrence of the act;

20 (b) The name, title, and contact information, if known, of the person  
21 or persons who committed the act or caused the act to be committed;

22 (c) A detailed description of the act; and

23 (d) The name, title and contact information of every person known to  
24 the person to have the same information as the person concerning the  
25 reportable act.

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

LBD05742-01-5

1 3. Nothing in this section shall be construed to prohibit a person  
2 from contacting or reporting to law enforcement or emergency services  
3 before or after reporting to the department.

4 4. Every person mandated to report pursuant to this section shall be  
5 required to make a report to the department as outlined in subdivision  
6 two of this section unless (a) the reporter has actual knowledge that  
7 the reportable act has been reported to the department; and (b) that the  
8 reporter has been named as a person with knowledge of the act in such  
9 prior report.

10 5. Except as provided in subdivision six of this section, the depart-  
11 ment, and any officer or employee of the department, shall not disclose  
12 any information, including information provided by a reporter, which  
13 could reasonably be expected to reveal the identity of a reporter,  
14 except when and until it is required to be disclosed to a defendant or  
15 respondent in connection with a proceeding instituted by the department.

16 6. Notwithstanding subdivision five of this section, a report made  
17 under subdivision two of this section may, in the discretion of the  
18 department, when determined by the department to be necessary or appro-  
19 priate to investigate or prosecute an act of violence, and in accordance  
20 with subdivision seven of this section, be made available to:

21 (a) The department of law;

22 (b) An appropriate office or agency of the state, acting within the  
23 scope of its jurisdiction; and

24 (c) An appropriate office or agency of the federal government, acting  
25 within the scope of its jurisdiction.

26 7. Each of the entities, agencies, or persons described in subdivision  
27 six of this section shall maintain such reports as confidential.

28 8. All reports made under this section shall not be accessible under  
29 article six of the public officers law or any relevant provisions there-  
30 of where the disclosure of such report would reveal the identity of the  
31 reporter, except in such cases where the reporter's identity has already  
32 been made public.

33 9. A person who knowingly and willfully makes any false, fictitious,  
34 or fraudulent statement or representation, or who makes any false writ-  
35 ing or document knowing the same to contain any false, fictitious, or  
36 fraudulent statement or entry, shall be subject to prosecution under  
37 article two hundred ten of the penal law.

38 10. A person required to report an act of violence under this section  
39 who knowingly and willfully fails to report such act shall be guilty of  
40 a class A misdemeanor, provided however that where such person willfully  
41 and knowingly failed to report:

42 (a) two or more acts of violence, such person shall be guilty of a  
43 class E felony;

44 (b) an act of violence that resulted in the death of an incarcerated  
45 person, such person shall be guilty of a class D felony.

46 11. A person required to report an act of violence under this section  
47 who knowingly and willfully fails to report such act may be subject to  
48 termination and shall be civilly liable for the damages proximately  
49 caused by such failure.

50 § 2. This act shall take effect on the ninetieth day after it shall  
51 have become a law.