

STATE OF NEW YORK

5298

2025-2026 Regular Sessions

IN SENATE

February 20, 2025

Introduced by Sen. 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 prohibiting corrections employees from participating in degrading behavior towards incarcerated persons or fellow employees

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

1 Section 1. Subdivision 5 of section 137 of the correction law, as
2 amended by chapter 322 of the laws of 2021, is amended to read as
3 follows:

4 5. No incarcerated individual in the care or custody of the department
5 shall be subjected to degrading, racist or discriminatory treatment, and
6 no officer or other employee of the department shall inflict any blows
7 whatever upon any incarcerated individual, unless in self defense, or to
8 suppress a revolt or insurrection. When any incarcerated individual, or
9 group of incarcerated individuals, shall offer violence to any person,
10 or do or attempt to do any injury to property, or attempt to escape, or
11 resist or disobey any lawful direction, the officers and employees shall
12 use all suitable means to defend themselves, to maintain order, to
13 enforce observation of discipline, to secure the persons of the offend-
14 ers and to prevent any such attempt or escape. No employee of the
15 department shall insult an incarcerated individual or department employ-
16 ee by calling such individual a degrading name or otherwise engaging in
17 treatment intended to humiliate, offend, provoke or denigrate such indi-
18 vidual based on such individual's age, race, creed, color, national
19 origin, sexual orientation, gender identity or expression, military
20 status, sex, disability, predisposing genetic characteristics, or the
21 nature of the individual's crime of conviction. Any employee who
22 engages in such degrading treatment of an incarcerated individual or
23 another employee shall be disciplined by the department and may have
24 their employment terminated for cause.

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

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

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