

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

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

18 (b) conduct autopsies where determined appropriate by the chief
19 medical examiner or their designee and forensic investigations for
20 deaths of all incarcerated individuals under the custody of the depart-
21 ment;

22 (c) prepare an autopsy report and detailed findings and promptly noti-
23 fy the attorney general office of special investigations of such find-
24 ings;

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

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

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

36 (g) promptly provide the commissioner of the department of corrections
37 and community supervision with copies of any autopsy reports, toxicolog-
38 ical reports or any reports of any examination or inquiry prepared with
39 respect to any death occurring to an incarcerated individual of a
40 correctional facility within their county. The office shall also prompt-
41 ly provide the executive director of the justice center for the
42 protection of people with special needs with copies of any autopsy
43 reports, toxicology reports or any reports of any examination or inquiry
44 prepared with respect to the death of any service recipient occurring
45 while such person was a resident in any facility operated, licensed or
46 certified by any agency within the department of mental hygiene, the
47 office of children and family services, the department of health or the
48 state education department. If the toxicological report is prepared
49 pursuant to any agreement or contract with any person, partnership,
50 corporation or governmental agency with the coroner or medical examiner,
51 such report shall be promptly provided to the chair of the correction
52 medical review board, the commissioner of the department of corrections
53 and community supervision or the executive director of the justice
54 center for the protection of people with special needs, as appropriate,
55 by such person, partnership, corporation or governmental agency. For the
56 purposes of this subdivision, in addition to anything else required by

1 law, the copy of the autopsy report shall include all photographs of the
2 body and post-mortem x-rays taken by or at the direction of the person
3 performing the autopsy, and all photographs and post-mortem x-rays
4 reviewed by the person performing the autopsy in the course of their
5 examination or in the course of their diagnosis of the cause of death
6 and the means or manner of death. Such copy of the autopsy report may
7 also include images of all microscopic slides taken by or at the direc-
8 tion of the person performing the autopsy and images of all microscopic
9 slides reviewed by the person performing the autopsy in the course of
10 their examination or in the course of their diagnosis of the cause of
11 death and the means or manner of death. If such images of microscopic
12 slides are not included in the copy of the autopsy report provided
13 pursuant to this subdivision, the copy of the autopsy report shall indi-
14 cate that such images of microscopic slides have been omitted, and, upon
15 request of the chair of the correction medical review board, the commis-
16 sioner or the executive director of the justice center for the
17 protection of people with special needs, a coroner, coroner's physician
18 or medical examiner shall promptly provide access to inspect such micro-
19 scopic slides or, where practicable, provide images of such microscopic
20 slides.

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

28 5. The office of the chief medical examiner may use the services of
29 the New York state police crime laboratory system for the performance of
30 tests, documentation of evidence, investigating procedures and consulta-
31 tion on special problems.

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

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

39 § 3. Subdivision 1 of section 671 of the county law, as amended by
40 chapter 764 of the laws of 1976 and paragraph (b) as amended by chapter
41 322 of the laws of 2021, is amended to read as follows:

42 1. The coroner, or if ~~he is~~ they are not a physician duly licensed
43 to practice medicine in this state, the coroner and a coroner's physi-
44 cian, together, or in counties in which the office of coroner has been
45 abolished, the medical examiner~~r~~

46 ~~(a)~~ shall make inquiry into unnatural deaths within [his] their coun-
47 ty as prescribed by law[.]

48 ~~(b) shall make inquiry into all deaths whether natural or unnatural in~~
49 ~~his or her county occurring to an incarcerated individual of a correc-~~
50 ~~tional facility as defined by subdivision three of section forty of the~~
51 ~~correction law, whether or not the death occurred inside such facility].~~

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

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

- 1 (a) A violent death, whether by criminal violence, suicide or casual-
2 ty;
3 (b) A death caused by unlawful act or criminal neglect;
4 (c) A death occurring in a suspicious, unusual or unexplained manner;
5 (d) A death while unattended by a physician, so far as can be discov-
6 ered, or where no physician able to certify the cause of death as
7 provided in the public health law and in form as prescribed by the
8 commissioner of health can be found;
9 (e) A death of a person confined in a public institution other than a
10 correctional facility, hospital, infirmary or nursing home.
11 § 5. Subdivision 5 of section 674 of the county law is REPEALED.
12 § 6. Subdivision 6 of section 677 of the county law is REPEALED.
13 § 7. This act shall take effect on the one hundred eightieth day after
14 it shall have become a law.