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VETO # 3

CHAPTER _____

LAWS OF 20 07

SENATE BILL _____

ASSEMBLY BILL 4333

STATE OF NEW YORK

4333

2007-2008 Regular Sessions

IN ASSEMBLY

February 2, 2007

Introduced by M. of A. AUBRY -- Multi-Sponsored by -- M. of A. COLTON,
GOTTFRIED -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to persons authorized to
visit correctional facilities

S 331 Nozzolio

DATE RECEIVED BY GOVERNOR:

APR 26 2007

ACTION MUST BE TAKEN BY:

MAY 08 2007

DATE GOVERNOR'S ACTION TAKEN:

MAY 08 2007

SENATE VOTE 59 Y 0 N

HOME RULE MESSAGE ___ Y N

DATE 4/17/07

ASSEMBLY VOTE 140 Y 1 N

DATE 3/27/07

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A4333 Aubry (MS) Same as S 331 NOZZOLIO

04/17/07 A4333

Senate Vote

Aye: 59 Nay: 0

03/27/07 A4333

Assembly Vote

Yes: 140 No : 1

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04/17/07 A4333 Senate Vote Aye: 59 Nay: 0

Aye Adams	Aye Alesi	Aye Bonacic	Aye Breslin
Aye Bruno	Aye Connor	Aye DeFrancisco	Aye Diaz
Aye Dilan	Aye Duane	Aye Farley	Aye Flanagan
Aye Fuschillo	Aye Golden	Aye Gonzalez	Aye Griffo
Aye Hannon	Aye Hassell- Thompson	Aye Huntley	Aye Johnson C
Aye Johnson O	Aye Klein	Aye Krueger	Aye Kruger
Aye Lanza	Aye Larkin	Aye LaValle	Aye Leibell
Aye Libous	Aye Little	Aye Maltese	Aye Marcellino
Aye Maziarz	Aye Montgomery	Aye Morahan	Aye Nozzolio
Exc Onorato	Aye Oppenheimer	Aye Padavan	Aye Parker
Aye Perkins	Aye Rath	Aye Robach	Aye Sabini
Aye Saland	Exc Sampson	Aye Savino	Aye Schneiderman
Aye Serrano	Aye Seward	Aye Skelos	Aye Smith
Aye Stachowski	Aye Stavisky	Aye Stewart-Cousins	Aye Thompson
Exc Trunzo	Aye Valesky	Aye Volker	Aye Winner
Aye Wright	Aye Young		

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03/27/07 A4333 Assembly Vote Yes: 140 No : 1

Yes Abbate	Yes Alessi	Yes Alfano	Yes Arroyo
Yes Aubertine	Yes Aubry	Yes Bacalles	Yes Ball
Yes Barclay	Yes Barra	Yes Benedetto	Yes Benjamin
Yes Bing	Yes Boyland	Yes Boyle	Yes Bradley
Yes Brennan	Yes Brodsky	Yes Brook-Krasny	Yes Burling
Yes Butler	Yes Cahill	Yes Calhoun	Yes Camara
Yes Canestrari	Yes Carrozza	Yes Christensen	Yes Clark
Yes Cole	Yes Colton	ER Conte	Yes Cook
Yes Crouch	ER Cusick	Yes Cymbrowitz	Yes DelMonte
Yes Destito	Yes Diaz L	Yes Diaz R	Yes Dinowitz
Yes Duprey	Yes Eddington	Yes Englebright	Yes Errigo
Yes Espaillat	Yes Farrell	Yes Fields	Yes Finch
No Fitzpatrick	Yes Gabryszak	Yes Galef	ER Gantt
Yes Gianaris	Yes Giglio	Yes Glick	ER Gordon D
Yes Gordon T	Yes Gottfried	Yes Grannis	Yes Greene
Yes Gunther A	Yes Hawley	Yes Hayes	Yes Heastie
Yes Hevesi	Yes Hikind	Yes Hooper	Yes Hoyt
Yes Hyer-Spencer	Yes Jacobs	Yes Jaffee	Yes Jeffries
Yes John	Yes Kavanagh	Yes Kirwan	Yes Kolb
Yes Koon	Yes Lafayette	Yes Lancman	Yes Latimer
Yes Lavine	Yes Lentol	Yes Lifton	Yes Lopez P
Yes Lopez V	Yes Lupardo	Yes Magee	Yes Magnarelli
Yes Maisel	Yes Markey	Yes Mayersohn	Yes McDonald
Yes McDonough	Yes McEneny	Yes McKeivitt	Yes Miller

Yes Millman	Yes Molinaro	Yes Morelle	Yes Nolan
Yes Oaks	Yes O'Donnell	Yes O'Mara	Yes Ortiz
Yes Parment	Yes Paulin	Yes Peoples	Yes Peralta
Yes Perry	Yes Pheffer	Yes Powell	Yes Pretlow
Yes Quinn	Yes Rabbitt	Yes Raia	Yes Ramos
Yes Reilich	Yes Reilly	Yes Rivera J	Yes Rivera N
Yes Rivera P	Yes Robinson	Yes Rosenthal	Yes Saladino
Yes Sayward	ER Scarborough	Yes Schimminger	Yes Schroeder
Yes Scozzafava	Yes Seminerio	Yes Spano	Yes Stirpe
Yes Sweeney	Yes Tedisco	Yes Thiele	Yes Titus
Yes Tonko	Yes Towns	Yes Townsend	Yes Walker
Yes Weinstein	Yes Weisenberg	Yes Weprin	Yes Wright
Yes Young	Yes Mr. Speaker		



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

V E T O # 3

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bill:

MAY 08 2007

Assembly Bill Number 4333 entitled:

“AN ACT to amend the correction law, in relation to persons authorized to visit correctional facilities”

N O T A P P R O V E D

This bill – which is identical to a bill that was vetoed last year – would authorize any member of the State Legislature to designate any employee of the Department of Correctional Services (“DOCS”) to accompany them on visits to correctional facilities. The bill is opposed by DOCS, the State Commission on Correction and the Governor’s Officer of Employee Relations, on several grounds.

First, there is no need for this bill. DOCS already has an administrative protocol which allows a legislator to be accompanied by a local union representative, so long as either the facility superintendent or the DOCS Commissioner (or his designee) has pre-approved the invitation, and the local representative currently works at the facility being toured. Thus, if a legislator wishes to have a DOCS employee participate in a visit, there is an established process for this to occur.

Rather than follow the existing process, this bill would allow legislators to designate any DOCS employee – including employees who are supposed to be supervising prisoners at that time, or even employees assigned to other facilities – to accompany the legislator on a visit. This clearly would interfere with the ability of DOCS to supervise, manage and control its facilities, as well as the inmates and employees within the facilities.

In addition, the broad language of the bill would permit legislators to designate not just unionized employees to participate on these visits, but also the DOCS Commissioner or other high-level executive staff. Needless to say, allowing any of the over 200 members of the State Legislature to order the DOCS Commissioner and/or his executive staff to participate in prison visits at any time not only raises significant separation of powers issues, but also would severely impact the ability of DOCS to manage and control the prisons and preserve public safety.

This bill is disapproved.

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**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)**

BILL NUMBER: A4333

SPONSOR: Aubry (MS)

TITLE OF BILL: An act to amend the correction law, in relation to persons authorized to visit correctional facilities

PURPOSE: This legislation would expand those who are authorized to visit correctional facilities, to include employees of the Department of Correctional Services who are designated by a Member of the Legislature to accompany them during their visit.

SUMMARY OF PROVISIONS: Section one of this measure amends subdivision 1 of Section 146 of the Correction Law, relating to persons authorized to visit correctional facilities.

JUSTIFICATION: Under current law, certain persons are authorized to visit, at their pleasure, all correctional facilities. Included in the list of persons authorized to visit are Members of the Legislature.

Because of the limited authorization in this Section, the Members of the Legislature do not have the ability to designate an employee of the Department of Corrections to accompany them if they desire.

This measure is necessary to expand those who are authorized to visit correctional facilities, to include employees of the Department of Correctional Services who are designated by a Member of the Legislature to accompany them during their visit.

LEGISLATIVE HISTORY: A8416 committed to rules in 2004. A4982-A vetoed 7/07/06.

FISCAL IMPLICATIONS: None.

EFFECTIVE DATE: This act shall take effect immediately.

DIVISION OF THE BUDGET BILL MEMORANDUM

Session Year 2007

SENATE:
No.

ASSEMBLY:
No. 4333

Primary Sponsor: Aubry

Law: Correction

Sections: 146

Division of the Budget recommendation on the above bill

APPROVE: VETO: NO OBJECTION:

1. Subject and Purpose:

This bill would permit a Member of the Legislature to designate any Department of Correctional Services (DOCS) employee to accompany such Member on a visit of any correctional facility. Under current law, Members of the Legislature are authorized to visit a correctional facility at their pleasure.

2. Summary of Provisions:

Subdivision 1 of section 146 of the Correction Law is amended to authorize any Member of the Legislature to designate any employee of DOCS to accompany them on a facility tour. This bill would take effect immediately.

Currently, section 146 of the Correction Law authorizes the Governor, Lieutenant Governor, Commissioner of the Office of General Services, Secretary of State, State Comptroller, Attorney General, Members of the Commission of Correction, Members of the Legislature, judges of the Court of Appeals, Supreme Court and County judges, District Attorneys and ministers having charge of a congregation in the town where the facility is located, to visit correctional facilities at their pleasure. There is no provision that permits legislators, or any other official, to designate a DOCS employee to accompany them during their visit. This bill will expand those individuals who are authorized to visit correctional facilities to include such employees.

3. Legislative History:

In 2006, an identical bill (A.4982-A/S.512-A) passed both houses, but was vetoed by Governor Pataki.

4. Arguments in Support:

Validation: Document ID: 39761693-266

Paul E. Francis, Director of the Budget and Senior Advisor to the Governor

By Susan E. Knapp

Date: 4/30/2007 8:40:00 PM

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It could be argued that allowing Members of the Legislature to designate DOCS employees to accompany them on visits to correctional facilities could further enhance a Member's understanding of the operations of a correctional facility.

5. Arguments in Opposition:

This bill allows significant encroachment on Executive powers and responsibilities, as follows:

- a. The Commissioner of DOCS is responsible for maintaining a secure environment within correctional facilities. By authorizing a significant expansion of the circumstances under which persons can enter correctional facilities without warning, this bill threatens the ability of DOCS to follow their security procedures, thereby heightening risks to officers, inmates, and visitors.
- b. This bill suspends the current right of the Commissioner to actively deny access to a specific individual, based on a threat to the security of a facility. It is reasonable to assume that persons could be granted access by this bill, who have criminal histories, personal connections, health issues, or legal issues which warrant the denial of access by the Commissioner.
- c. This bill would permit union members to accompany legislators into correctional facilities, altering the balance between Executive management and employee labor unions – a balance which is already protected by extensive grievance processes and provisions for binding arbitration.
- d. This bill inappropriately authorizes legislators to direct the movement of Executive branch employees, by compelling them to accompany them into a facility. Even the Commissioner is not exempt from such a requirement.

6. Other State Agencies Interested:

The Department of Correctional Services strongly opposes this bill.

7. Other Interested Groups:

NYSCOPBA, which represents correction officers and correction sergeants, and Council-82, which represents correction lieutenants, would be interested in this bill. All other unions who represent state employees employed in correctional facilities (M/C, CSEA and PEF) would be interested in this bill.

8. Budget Implications:

While there is no direct fiscal impact of this legislation, it seems likely to result in increased pressure for legislative funding of specialized initiatives targeted to specific facilities, perhaps to the detriment of the overall funding and improvement of the correctional system.

9. Recommendation:

This bill authorizes any Member of the Legislature to designate any Department of Correctional Services employee to accompany such Member on a tour of any correctional facility. The Department of Correctional Services has voiced strong objections to this bill, which encroach upon the powers of the Commissioner of DOCS specifically, and the Executive branch generally. While this bill has no direct immediate impact on State finances, the significant operational issues raised by the bill are of overriding concern. Accordingly, the Division of the Budget recommends veto of this bill.

STATE OF NEW YORK
DEPARTMENT OF CORRECTIONAL SERVICES
THE HARRIMAN STATE CAMPUS
1220 WASHINGTON AVENUE
ALBANY, N.Y. 12226-2050

BRIAN FISCHER
COMMISSIONER

April 23, 2007

Honorable David Nocenti
Counsel to Governor
Executive Chamber
State Capitol
Albany, New York 12224

Re: A4333/S331

Dear Mr. Nocenti:

The above-referenced bill, A4333, would amend Correction Law Section 146 to authorize any member of the Legislature to designate any Department employee to accompany such member on a tour of any correctional facility. Under existing law, each member of the Legislature is authorized to visit any correctional facility at will. The Department of Correctional Services respectfully urges that the Governor veto this bill for a number of reasons.

In 2006, the identical bill, A4982, passed both houses of the Legislature, but ultimately was vetoed by the Governor. At the time, the Department of Correctional Services submitted a strong letter of objection urging a veto. For all of the reasons set forth herein, the Department of Correctional Services again respectfully urges that the Governor veto this bill.

First, the Department has established protocols that ensure ample access to its correctional facilities by members of the Legislature. In fact, though not required by the statute, such access is also extended to the legislative aides that may accompany the members of the Legislature. Furthermore, since members of the Legislature can visit at will, this also means that a visit to a correctional facility can take place unannounced, that is, without any advance warning. Such visit can also extend to all areas of the facility, including those areas where the security concerns are the most heightened, such as the special housing unit.

In accordance with Correction Law Section 112, the Commissioner of Correctional Services is charged with "the superintendence, management and control of the correctional facilities in the department and of the inmates confined therein, and of all matters related to the government, discipline, contracts and fiscal concerns thereof." Furthermore, although Correction Law Section 146 identifies those government officials who may visit a correctional facility at will, such as members of the Legislature, judges and district attorneys, this statute also accords due deference to the oversight authority of the Commissioner by further specifying "no other person... shall be permitted to enter a correctional facility except by authority of the commissioner of correction..."

As presently set forth in Correction Law Section 146, the list of people who can visit a prison at will is carefully circumscribed for good reason. Prisons are complex institutions to operate and manage. They can also be dangerous and accordingly, security considerations permeate virtually every aspect of day-to-day facility operations. Current law wisely restricts this list of at-will visitors to high ranking government officials in positions of authority who, in one form or another, are accountable for all of their actions to the general public. To now potentially afford to any Department employee the same unfettered

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access to a correctional facility that is presently afforded to any member of the Legislature, is an unwise and unwarranted quantum leap that directly undermines the authority of the Commissioner to be responsible for the oversight of the entire system.

There presently are in excess of thirty-one thousand employees in the Department's workforce which includes approximately 21,000 security staff and 10,000 civilian staff. While the overwhelming majority of Department employees are professional, hardworking and law-abiding, as can be expected with any workforce of such large dimension, at any one time there are a small number of employees who are not in good standing, but instead, are under investigation for potential criminal law violations and/or serious workplace misconduct that could lead to termination. It is also possible that a Department employee may be suspended or be placed on administrative leave pending the outcome of an investigation or disciplinary proceedings. This bill does not differentiate such employees from its coverage. Because of such uncertainties, it is crucial that the decision whether or not to allow a Department employee, or for that matter any other person, to accompany a member of the Legislature on a correctional facility tour, continue to rest exclusively with the Commissioner.

Moreover, the Department's protocols already require the facility superintendent, or an executive team member, to escort the member of the Legislature at all times while in the facility. Hence, there is no articulable rationale for this bill. In fact, the memo in support curtly states that the bill is needed to expand the list to include Department employees. It gives no explanatory basis whatsoever to justify the extremely significant expansion of the list in this manner.

It should be further noted that presently, union officials on behalf of correction officers, sergeants, and lieutenants, have access to the Department's facilities during the processing of contractual and disciplinary grievances pursuant to Sections 7.3 and 8.5 of the New York State Correctional Officers & Police Benevolent Association (NYSCOPBA) contract and the Council 82 contract. This bill may potentially upset the balance between management and the union, as countenanced by these agreements, since a union representative could conceivably attempt to use a legislative visit as a pretext in order to advance a union issue.

Lastly, the wording of the statute encompasses every employee of the Department of Correctional Services. Therefore, it is quite possible that I as Commissioner, a member of my executive team, or another high-ranking Central Office person, might be designated at the last minute as the Department employee to accompany a member of the Legislature on a facility tour. For obvious reasons, such a happenstance could prove to be disruptive for the operations of the Department.

In light of the foregoing, the Department of Correctional Services strongly urges that the Governor veto this bill.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Brian Fischer
Commissioner

cc: Anthony J. Annucci, Deputy Commissioner & Counsel

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State of New York
Governor's Office of Employee Relations
Counsel's Office
2 Empire State Plaza, Suite 1201, Albany, New York 12223
(518) 474-4090 • (518) 486-7304 (Facsimile)

Eliot Spitzer
Governor

Gary Johnson
Director

MEMORANDUM

April 19, 2007

TO: David Nocenti
FROM: Walter Pellegrini
SUBJECT: A4333

The instant bill amends subdivision 1 of Section 146 of the Corrections Law to, in short, allow Members of the Legislature who desire to visit correctional facilities to designate to be accompanied on such visit by an employee of the Department of Correctional services of their choice. Currently, Members are allowed such visits but under security provisions maintained by the Department any employee, whether on duty or off duty, must be approved by or assigned by the Department. Security provisions of the Department, based on years of experience should not be circumvented by Legislation.

Pragmatically, any Member visiting a correctional facility is escorted by members of the Department of Corrections. This legislation is an attempt by union leadership, i.e., union elected officials both statewide and local, to be show cased to their membership with a Member of the Legislature as they participate in any such visit. In some circumstances, with advanced approval by the Department, this may occur. However, during periods of internal union elections for officers, or union elections between competing unions for the right to represent the membership such "grandstanding" can be viewed as campaigning on state property which is not permitted

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for obvious security reasons.

This Office believes the current security procedures administered by the Department of Correctional Services offers a balance which allows for Members to visit and maintenance of order in correctional facilities.

Accordingly, this Office does not support the instant legislation.

/mc



STATE OF NEW YORK • EXECUTIVE DEPARTMENT

STATE COMMISSION OF CORRECTION

80 WOLF ROAD, 4TH FLOOR
ALBANY, NEW YORK 12205-2670
(518) 485-2346
FAX (518) 485-2467

CHAIRMAN
Daniel L. Stewart

COMMISSIONERS
Frederick C. Lamy
Frances T. Sullivan

April 24, 2007

David Nocenti
Counsel to the Governor
Executive Chamber
State Capitol
Albany, NY 12224

Re: A.4333

Dear Mr. Nocenti:

The above referenced bill would amend the Correction Law section 146 to authorize any member of the Legislature to designate any Department employee to accompany such member on a tour of any correctional facility. The Correction Law currently authorizes each member of the Legislature to visit any correctional facility at will. The Commission of Correction respectfully urges that the Governor veto this bill.

The current state of the Correction Law provides more than adequate access to the members of the Legislature while at the same time allowing the Department of Correctional Services to maintain necessary and proper controls of admission of persons to secure facilities. The proposed legislation would give over some of the Department's administrative prerogatives to the Legislature even so far as allowing a legislator to designate which employee should accompany them.

In addition, the proposed legislation could create administrative problems for the Department of Correctional Services in ensuring security in State correctional facilities by overriding security protocols. For these reasons, the Commission again respectfully suggests the Governor veto the legislation in question.

Thank you for the opportunity to comment on this bill.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Michael F. Donegan".

Michael F. Donegan
Counsel

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STATE OF NEW YORK
DIVISION OF CRIMINAL JUSTICE SERVICES
Four Tower Place
Albany, New York 12203-3764
<http://criminaljustice.state.ny.us>

ELIOT SPITZER
GOVERNOR

DENISE E. O'DONNELL
COMMISSIONER

April 24, 2007

Honorable David Nocenti
Counsel to the Governor
Executive Chamber
State Capitol
Albany, NY 12224

Via E-mail

RE: Assembly Bill Number 4333
No Position

Dear Mr. Nocenti:

This is in response to your request for comment on the above-referenced legislation that amends the Correction Law in relation to persons authorized to visit correctional facilities.

This bill would expand the list of those who are authorized to visit all correctional facilities to include employees of the Department of Correctional Services who are designated by a State legislator to accompany such legislator during a visit. It does not appear that this bill would have any impact on the Division's operations. Accordingly, the Division of Criminal Justice Services takes **no position** on **A. 4333**.

Thank you for the opportunity to comment on this proposal.

Very truly yours,

Denise E. O'Donnell



CSEA has no position on A4333



Legislative Department Memo

TO: GOVERNOR SPITZER

FROM: BRIAN CURRAN

DATE: 4/27/07

RE: A4333 (Aubry)

This bill amends the Correction Law with regard to persons authorized to visit correctional facilities.

The Public Employees Federation supports this legislation.

Brian F. Curran
Legislative Director & Counsel

A.4333 SUPPORT

Under current law, certain persons are authorized to visit, at their pleasure, all correctional facilities. Included in the list of persons authorized to visit are Members of the Legislature.

Because of the limited authorization in this Section, the Members of the Legislature do not have the ability to designate an employee of the Department of Corrections to accompany them if they desire.

This measure is necessary to expand those who are authorized to visit correctional facilities, to include employees of the Department of Correctional Services who are designated by a Member of the Legislature to accompany them during their visit.

This law would allow a member of the legislature to designate an employee /Union Official to tour the correctional facility with the elected official. Currently, if a Union Official invites a Legislator to tour a facility the elected official is not allowed to walk with the Union Official that works there and can point out the problem that initiated the request to visit.

This law would allow NYSCOPBA , CSEA and PEF to more adequately inform and educate NYS elected officials in this new "Open government." NYSCOPBA supports A.4333 and would urge Governor Spitzer to sign this "Sunshine" legislation into law.

Chris Leo
Legislative Director
NYSCOPBA
518-427-1551 Ext.245

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MEMORANDUM OF SUPPORT

April 23, 2007

Assembly Bill: A4333

Assemblyman: Aubry

“An Act to Amend the Correction Law, in Relation to Persons Authorized to Visit Correctional Facilities.”

The New York City Correction Officers' Benevolent Association, which represents approximately 15,000 active and retired correction officers, supports this legislation.

We, the Correction Officers' Benevolent Association, believe that for any inspection or investigation of any correctional facility to be complete and unbiased, it must be free of restrictions. A New York State legislator must be able to use all resources at his or her disposal. There may be occasions in some facilities when the best person to explain or clarify a particular perspective would be a Departmental employee. It is for these reasons we request that Governor Eliot Spitzer sign this bill into law.

Respectively submitted by,



Norman Seabrook
President



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N. Y. 10007

May 1, 2007

A.4333 – by M. of A. Aubry

AN ACT to amend the correction law, in relation to persons
authorized to visit correctional facilities

DISAPPROVAL RECOMMENDED

Hon. Eliot Spitzer
Governor of the State of New York
Executive Chamber
Albany, New York 12224

Dear Governor Spitzer:

The above-referenced bill is now before you for executive action. This legislation would amend section 146 of the Correction Law to authorize a member of the Legislature to designate any department employee to accompany them on a visit to a state correctional facility.

Current law provides that certain officials have the authority to visit correctional facilities at any time. These high-ranking officials are appropriately granted unlimited access to facilities due to their significant role within state government. However, expansion of the scope of these provisions to Department employees extends the same unrestricted access to any employee. Prisons are uniquely situated in that security issues factor into every facet of daily operations, requiring implementation of precautionary measures to ensure the safety of all those within the facility. This legislation undermines the Commissioner's management authority and jeopardizes the overall security of the facilities. The ultimate discretion and authority in determining who may be granted access to the each facility must rest with the Commissioner. There is no legitimate basis or public interest to warrant such a broad based expansion.

Accordingly, we stand with the Department of Correctional Services in urging that this bill be disapproved.

Very truly yours,

MICHAEL R. BLOOMBERG, Mayor

By: Michelle L. Goldstein
Legislative Representative

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STATE OF NEW YORK

4333

2007-2008 Regular Sessions

IN ASSEMBLY

February 2, 2007

Introduced by M. of A. AUBRY -- Multi-Sponsored by -- M. of A. COLTON,
GOTTFRIED -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to persons authorized to
visit correctional facilities

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

- 1 Section 1. Subdivision 1 of section 146 of the correction law, as
2 amended by section 3 of part E of chapter 56 of the laws of 2005, is
3 amended to read as follows:
4 1. The following persons shall be authorized to visit at pleasure all
5 correctional facilities: The governor and lieutenant-governor, commis-
6 sioner of general services, secretary of state, comptroller and attor-
7 ney-general, members of the commission of correction, members of the
8 legislature and an employee of the department designated by the member
9 of the legislature if such member elects to be so accompanied, judges of
10 the court of appeals, supreme court and county judges, district attor-
11 neys and every minister of the gospel having charge of a congregation in
12 the town wherein any such facility is situated. No other person not
13 otherwise authorized by law shall be permitted to enter a correctional
14 facility except by authority of the commissioner [~~of correction~~] under
15 such regulations as the commissioner shall prescribe. The provisions of
16 this section shall not apply to such portion of a correctional facility
17 in which inmates under sentence of death are confined.
18 § 2. This act shall take effect immediately.

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

LBD00476-01-7