



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

VETO # 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”

NOT APPROVED

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.