

STATE OF NEW YORK

10185

IN ASSEMBLY

March 22, 2018

Introduced by M. of A. PELLEGRINO -- read once and referred to the
Committee on Education

AN ACT to amend the state finance law, in relation to establishing the
first chance trust fund

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

1 Section 1. The state finance law is amended by adding a new section
2 97-cc to read as follows:

3 § 97-cc. First chance trust fund. 1. Definitions. For the purposes of
4 this section, the following terms shall have the following meanings:

5 a. "Division" means the division of criminal justice services.

6 b. "Department" means the department of corrections.

7 2. The first chance trust fund. There is hereby established in the
8 joint custody of the state comptroller, the commissioner of the depart-
9 ment of taxation and finance, the commissioner of corrections and commu-
10 nity supervision and the commissioner of the division of criminal
11 justice services a fund to be known as the "first chance trust fund".

12 3. The first chance trust fund shall consist of monies from the
13 following sources:

14 a. Grants, gifts, donations and other payments from any individual,
15 person, business entity, nonprofit entity, or government entity for the
16 purposes of this fund;

17 b. A one percent surcharge on all contracts with the department or the
18 division with an annual amount of over five million dollars. This
19 surcharge shall only apply to contracts issued, renewed, modified,
20 altered or amended on or after the one hundred eightieth day after the
21 effective date of this section. Within one hundred eighty days of the
22 effective date of this section, the commissioner of corrections and
23 community supervision and the commissioner of the division of criminal
24 justice services shall establish the required rules and regulations to
25 implement the one percent surcharge established in this paragraph. Such
26 surcharge may be waived on any contract by the commissioner of
27 corrections and community supervision or the commissioner of the divi-
28 sion of criminal justice services; and

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

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1 c. Monies appropriated to the fund.

2 4. Use of the fund. Monies of the first chance trust fund shall be
3 made available for:

4 a. Establishing and operating a scholarship program for individuals
5 residing in those regions of the state which have statistically higher
6 high school dropout rates or incarceration rates as determined by the
7 division. The scholarship program shall assist students in obtaining
8 higher education or vocational training who meet all of the following
9 criteria:

10 i. reside within the state and attend an accredited, nonprofit educa-
11 tional or vocational training institution located within the state which
12 is a public community college, a state-owned university or state-related
13 university or materially affiliated with a public community college, a
14 state-owned university or state-related university;

15 ii. are not the spouses, siblings, or parents of current or former
16 elected officials or employees of the department or division; and

17 iii. meet other eligibility requirements as determined by the division
18 in accordance with this section; and

19 b. Providing grants to programs offered by nonprofit organizations in
20 good standing that benefit individuals residing in areas of the state
21 which have statistically higher high school dropout, poverty or incar-
22 ceration rates as determined by the division. Such programs shall be
23 evidence-based or outcome-based programs for individuals who meet the
24 eligibility requirements determined by the division, aimed at reducing
25 risk factors and producing positive outcomes, which may include mentor-
26 ing, individual counseling and therapeutic services, family strengthen-
27 ing activities and case management to support coordination of services.

28 5. Solicitation. The division and the department may solicit and
29 accept gifts, donations, legacies and other revenues for deposit into
30 the fund from a person or government entity.

31 6. Operation of the fund. The division and department shall adopt
32 rules and regulations for the maintenance and use of the fund within
33 sixty days of the effective date of this section, including a provision
34 ensuring that scholarship recipients and grantees are selected based on
35 independent and blind evaluations.

36 7. Report. On or before October first of each year, the division and
37 the department shall convene a public hearing and at such time submit a
38 report to the public, the speaker of the assembly, the temporary presi-
39 dent of the senate and the governor. The report shall include, but not
40 be limited to, the following:

41 a. The fund's revenues and expenditures in the prior fiscal year;

42 b. The number of academic scholarships awarded and the gender, age,
43 school district and county of residence of the recipients of academic
44 scholarships; and

45 c. The number of grants awarded and the gender, age, school district
46 and county of residence of the grantees.

47 § 2. This act shall take effect on the thirtieth day after it shall
48 have become a law; provided, however, that the commissioner of
49 corrections and community supervision and the commissioner of the divi-
50 sion of criminal justice services shall promulgate any rules and regu-
51 lations necessary for the implementation of this act on or before such
52 effective date.