

STATE OF NEW YORK

6493

2021-2022 Regular Sessions

IN SENATE

May 3, 2021

Introduced by Sen. BENJAMIN -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services

AN ACT to amend the social services law and the correction law, in relation to programs, supports and services for individuals being released from state and local correctional facilities

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

1 Section 1. Subdivision 4 of section 158 of the social services law, as
2 amended by section 44 of part B of chapter 436 of the laws of 1997, is
3 amended to read as follows:

4 4. (a) Social services officials shall determine eligibility for safe-
5 ty net assistance within forty-five days of receiving an application for
6 safety net assistance. Such officials shall notify applicants of safety
7 net assistance about the availability of assistance to meet emergency
8 circumstances or to prevent eviction.

9 (b) When a local social services district is identified as the
10 district of residence for an individual being released from a state or
11 local correctional facility, such district shall accept an application
12 for safety net assistance six months prior to such individual's earliest
13 expected release date. In the event the individual is not granted
14 parole, his or her application will be placed on hold status to be
15 re-activated and given a priority rank once such individual is granted
16 parole and an official release date is known. This special status shall
17 be defined by process completion of the application by the respective
18 district office within thirty days of receiving the official release
19 date.

20 § 2. Subparagraph (iv) of paragraph (a) of subdivision 1 of section
21 209 of the social services law, as amended by section 4 of part E of
22 chapter 57 of the laws of 2012, is amended to read as follows:

23 (iv) is a resident of the state and is either a citizen of the United
24 States or is not an alien who is or would be ineligible for federal

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

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1 supplemental security income benefits solely by reason of alien status.
2 Provided however, an individual incarcerated in a state or local correc-
3 tional facility, with the intention of residing in the state of New York
4 upon their release, shall be eligible to apply for state supplemental
5 payments at least six months prior to their earliest expected release
6 date. In the event the individual is not granted parole, his or her
7 application will be placed on hold status to be re-activated and given a
8 priority rank once such individual is granted parole and an official
9 release date is known. This special status will be defined by process
10 completion of the application by the respective district office within
11 thirty days of receiving the official release date.

12 § 3. Subdivision 2 of section 112 of the correction law, as amended by
13 section 19 of subpart A of part C of chapter 62 of the laws of 2011, is
14 amended to read as follows:

15 2. The commissioner shall have the management and control of persons
16 released on community supervision and of all matters relating to such
17 persons' effective reentry into the community, as well as all contracts
18 and fiscal concerns thereof. The commissioner shall have the power and
19 it shall be his or her duty to inquire into all matters connected with
20 said community supervision. The commissioner shall make such rules and
21 regulations, not in conflict with the statutes of this state, for the
22 governance of the officers and other employees of the department
23 assigned to said community supervision, and in regard to the duties to
24 be performed by them, as he or she deems proper and shall cause such
25 rules and regulations to be furnished to each employee assigned to
26 perform community supervision. The commissioner shall also prescribe a
27 system of accounts and records to be kept, which shall be uniform. The
28 commissioner shall also make rules and regulations for a record of
29 photographs and other means of identifying each [~~inmate~~] incarcerated
30 individual released to community supervision. The commissioner shall
31 appoint officers and other employees of the department who are assigned
32 to perform community supervision. Each incarcerated individual will be
33 eligible to apply for safety net assistance, supplemental security
34 income and state supplemental payments prior to their earliest expected
35 release date in accordance with section one hundred fifty-eight of the
36 social services law, 42 USC § 1383 and section two hundred nine of the
37 social services law, respectively. The department shall provide assist-
38 ance in completing and filing such applications and may contract with
39 not-for-profit providers with experience assisting individuals during
40 the application and appeals processes of such benefits to provide incar-
41 cerated individuals with assistance completing applications for such
42 benefits.

43 § 4. The correction law is amended by adding a new section 500-q to
44 read as follows:

45 § 500-q. Re-entry services. Each incarcerated individual will be
46 eligible to apply for re-entry services, which must include, but are not
47 limited to safety net assistance, supplemental security income and state
48 supplemental payments prior to their earliest expected release date in
49 accordance with section one hundred fifty-eight of the social services
50 law, 42 USC § 1383 and section two hundred nine of the social services
51 law, respectively. The offender rehabilitation coordinator or other
52 person in charge of re-entry services at a local correctional facility
53 will provide assistance in completing and filing such applications and
54 may contract with not-for-profit providers with experience assisting
55 individuals during the application and appeals processes for such bene-
56 fits to provide incarcerated individuals with assistance in completing

1 applications for such benefits. Each correctional facility will be
2 required to report out to the criminal justice committee of the New York
3 state legislature on how they are providing such re-entry services. Such
4 reporting must include metrics on how many people were served and what
5 services were received.

6 § 5. The correction law is amended by adding a new section 71-b to
7 read as follows:

8 § 71-b. Reintegration pilot program. 1. The department, in collabor-
9 ation with the office of temporary and disability assistance, the
10 office of mental health and the office of addiction services and
11 supports shall establish and conduct a five year reintegration pilot
12 program to help ensure incarcerated individuals within the correctional
13 facilities receive the supports and services necessary to meaningfully
14 prepare for their release while still incarcerated, assist individuals
15 to reintegrate into the community upon release and reduce recidivism.
16 Such pilot program shall be conducted in three correctional facilities,
17 one female and two male facilities, selected by the department, taking
18 into consideration adequate geographic distribution within the state as
19 well as availability of sufficient links to supports and services
20 required by this section. For purposes of this pilot program, there
21 shall be at least one hundred incarcerated individuals who on a volun-
22 tary basis request placement in the pilot program up to one year before
23 their earliest expected release date. In the event the individual is not
24 granted parole, his or her application will be placed on hold status to
25 be re-activated and given a priority rank once such individual is grant-
26 ed parole and an official release date is known. This special status
27 will be defined by process completion of the application by the respec-
28 tive district office within thirty days of receiving the official
29 release date. Upon admission to the program, each incarcerated individ-
30 ual shall receive an in-depth screening and assessment to determine
31 their specific needs as relating to, including but not limited to,
32 mental health and substance use disorder services, educational needs and
33 job readiness. In addition to an in-depth screening and assessment,
34 participants in the pilot program shall also be linked with not-for-pro-
35 fit organizations and peer to peer engagement opportunities to assist
36 with the individual's reintegration planning. This shall occur no less
37 than six months prior to their expected release date and shall consist
38 of, but not be limited to, assistance applying for public benefits,
39 referrals and links to mental health and/or substance use disorder
40 service providers if applicable, connections to employment opportunities
41 as well as job training programs if appropriate, assistance finding
42 available stable housing options to be available upon release and gener-
43 al supports and services that may be helpful for an individual reinte-
44 grating back into the community. In the event the individual is not
45 granted parole, his or her application will be placed on hold status to
46 be re-activated and given a priority rank once such individual is grant-
47 ed parole and an official release date is known. This special status
48 will be defined by process completion of the application by the respec-
49 tive district office within thirty days of receiving the official
50 release date.

51 2. Upon release from the correctional facility, individuals will
52 continue to receive supports and services, as needed, for an additional
53 six months, to ensure the individual's successful reintegration into the
54 community. Such services shall include, but not be limited to, connect-
55 ing individuals to health and behavioral health services, as appropri-
56 ate, assistance ensuring compliance with any parole or court mandated

1 activities, connections to employment opportunities based on their
2 skills identified while incarcerated and assistance acquiring stable
3 affordable housing. The collaborating agencies shall contract with not-
4 for-profit providers to effectuate the requirements specified in this
5 section.

6 3. The commissioner, in consultation with appropriate community organ-
7 izations, shall submit within one year of the effective date of this
8 section, and annually thereafter, a report to the governor, the tempo-
9 rary president of the senate and the speaker of the assembly on the
10 effectiveness of this pilot program. Such reports shall include an anal-
11 ysis of the outcomes of the pilot program and recommendations for
12 continued efforts to meaningfully prepare incarcerated individuals for
13 their release while still incarcerated, assist individuals to reinte-
14 grate into the community upon release and reduce recidivism. Such infor-
15 mation provided in the report shall include, but not be limited to,
16 information on the types of convictions of incarcerated individuals
17 participating in the pilot program; the specific types of services that
18 were provided while incarcerated as well as upon release; the outcomes
19 and effectiveness, to the extent it is known, of such services provided;
20 whether participants in the pilot program were able to find stable
21 affordable housing and/or employment during their participation in the
22 pilot program and any barriers that may have contributed to their
23 inability to find housing and/or employment; and any other information
24 or factors that were identified that may have created barriers to an
25 individual's reintegration once released and the additional services
26 that may alleviate those barriers.

27 4. No person shall have the right to demand or require participation
28 in the pilot program authorized by this section.

29 5. Nothing in this section shall be construed to authorize the depart-
30 ment to hold an incarcerated individual in confinement beyond their
31 earliest release date.

32 § 6. The correction law is amended by adding a new section 11 to read
33 as follows:

34 § 11. Identification card program. 1. The commissioner, in consulta-
35 tion with the commissioner of motor vehicles and the federal bureau of
36 prisons, shall develop a program to provide an identification card to
37 each incarcerated individual upon the release of such individuals from
38 the custody the department or from the custody of the federal bureau of
39 prisons when such individual is a resident of New York state. No fee
40 shall be charged to an inmate for the original issuance of such iden-
41 tification card.

42 2. As used in this section, "identification card" shall have the same
43 meaning as such term is defined in section four hundred ninety of the
44 vehicle and traffic law.

45 § 7. This act shall take effect on the first of January next succeed-
46 ing the date upon which it shall have become a law. Effective immediate-
47 ly, the addition, amendment and/or repeal of any rule or regulation
48 necessary for the implementation of this act on its effective date are
49 authorized to be made and completed on or before such effective date.