S T A T E  O F  N E W  Y O R K

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2009-2010 Regular Sessions

I N  A S S E M B L Y

January 15, 2009

Introduced by M. of A. PEOPLES, ESPAILLAT, CLARK, SCARBOROUGH -- Multi-Sponsored by -- M. of A. BENJAMIN, BOYLAND, DIAZ, GLICK, GREENE, HEASTIE, JACOBS, LAVINE, ROBINSON, SCHROEDER, TITUS, TOWNS -- read once and referred to the Committee on Correction

AN ACT to amend the state finance law and the executive law, in relation to establishing the New York state justice reinvestment fund and the New York state justice reinvestment program; and making an appropriation therefor

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The state finance law is amended by adding a new section 99-q to read as follows:

S 99-Q. NEW YORK STATE JUSTICE REINVESTMENT FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES AN ACCOUNT TO BE KNOWN AS THE NEW YORK STATE JUSTICE REINVESTMENT FUND.

2. SUCH FUND SHALL CONSIST OF ALL MONEYS APPROPRIATED FOR THE PURPOSE OF SUCH FUND, ALL OTHER MONEYS CREDITED OR TRANSFERRED TO SUCH FUND PURSUANT TO LAW, ALL MONEYS REQUIRED BY THE PROVISIONS OF THIS SECTION OR ANY OTHER LAW TO BE PAID INTO OR CREDITED TO SUCH FUND, AND ALL MONEYS RECEIVED BY THE FUND OR DONATED TO IT.

3. MONEYS OF SUCH FUND SHALL BE AVAILABLE FOR APPROPRIATION AND ALLOCATION TO THE DIVISION OF CRIMINAL JUSTICE SERVICES FOR PURPOSES OF DISTRIBUTING SUCH MONEYS TO QUALIFIED ENTITIES OF THE NEW YORK STATE JUSTICE REINVESTMENT PROGRAM PURSUANT TO SECTION EIGHT HUNDRED FORTY-FOUR-C OF THE EXECUTIVE LAW.

4. MONEYS SHALL BE PAID OUT ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE COMMISSIONER OF CRIMINAL JUSTICE SERVICES.

S 2. The executive law is amended by adding a new section 844-c to read as follows:

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

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S 844-C. NEW YORK STATE JUSTICE REINVESTMENT PROGRAM. 1. CREATION AND PURPOSES. THE COMMISSIONER SHALL ESTABLISH WITHIN THE DIVISION A NEW YORK STATE JUSTICE REINVESTMENT PROGRAM. THE PURPOSE OF THE PROGRAM IS TO HAVE STATE AND LOCAL CRIMINAL JUSTICE AGENCIES, AND AS PART OF A LARGER EFFORT INCLUDING COURTS, DISTRICT ATTORNEYS AND CRIMINAL DEFENSE OFFICES, TO WORK IN PARTNERSHIP WITH NOT-FOR-PROFIT ORGANIZATIONS AND FAITH-BASED ORGANIZATIONS IN THE COMMUNITY ON ISSUES SUCH AS INMATE RE-ENTRY INTO THE COMMUNITY, INCARCERATION ALTERNATIVES, FAMILY SUPPORT PROGRAMS FOR OFFENDERS AND EX-OFFENDERS, AS WELL AS OTHER ISSUES RELATED TO IMPROVING THE ROLE OF THE CRIMINAL JUSTICE SYSTEM IN OUR COMMUNITIES.

2. QUALIFIED ENTITY. (A) A QUALIFIED ENTITY SHALL BE EITHER A NOT-FOR-PROFIT ORGANIZATION OR FAITH-BASED ORGANIZATION PROVIDING ONE OR MORE OF THE FOLLOWING SERVICES:

(I) RE-ENTRY SUPPORT FOR INMATES RETURNING TO THE COMMUNITY, INCLUDING, BUT NOT LIMITED TO JOB DEVELOPMENT AND HOUSING ASSISTANCE;

(II) INCARCERATION ALTERNATIVES, INCLUDING, BUT NOT LIMITED TO COMMUNITY SERVICE PROGRAMS, COMMUNITY YOUTH COURT, ALTERNATIVE HIGH SCHOOLS, SERVICE-ENRICHED SUPPORTIVE HOUSING AND COMMUNITY BASED DRUG TREATMENT PROGRAMS;

(III) FAMILY SUPPORT, INCLUDING, BUT NOT LIMITED TO FATHERHOOD/PARENTING PROGRAMS, FOR OFFENDERS AND EX-OFFENDERS; AND

(IV) COMMUNITY BASED COLLABORATIVE PROGRAMS WITH CRIMINAL JUSTICE AGENCIES.

(B) A QUALIFIED ENTITY SHALL BE LOCATED IN COMMUNITIES WHICH HAVE A HIGHER THAN NORMAL CONCENTRATION OF OFFENDERS AND EX-OFFENDERS, AS DETERMINED BY THE COMMISSIONER.

(C) A QUALIFIED ENTITY'S SERVICES SHALL HAVE A PRIMARY EMPHASIS ON COMMUNITIES WHICH HAVE A HIGHER THAN NORMAL CONCENTRATION OF OFFENDERS AND EX-OFFENDERS, AS DETERMINED BY THE COMMISSIONER.

(D) A QUALIFIED ENTITY SHALL SUBMIT A STRATEGIC PLAN TO THE COMMISSIONER DETAILING HOW THE APPLICANT'S PROGRAM WILL REDUCE CRIME AND RECIDIVISM IN COMMUNITIES WITH A HIGHER THAN NORMAL CONCENTRATION OF OFFENDERS AND EX-OFFENDERS, AS DETERMINED BY THE COMMISSIONER.

3. APPLICATION. ANY QUALIFIED ENTITY SEEKING FUNDS FROM THE DIVISION SHALL FILE AN APPLICATION, AS DETERMINED BY THE COMMISSIONER. ALL FUNDS AUTHORIZED PURSUANT TO THIS SUBDIVISION SHALL BE PAID FROM THE NEW YORK STATE JUSTICE REINVESTMENT FUND IN ACCORDANCE WITH SECTION NINETY-NINE-Q OF THE STATE FINANCE LAW.

4. RESPONSIBILITIES OF THE COMMISSIONER. (A) THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS FOR THE APPLICATION OF GRANT MONEY FROM THE NEW YORK STATE JUSTICE REINVESTMENT FUND.

(B) THE COMMISSIONER SHALL DESIGNATE QUALIFIED ENTITIES BASED ON THE APPLICATION CRITERIA ESTABLISHED BY THIS SECTION AND ADDITIONAL CRITERIA AS DETERMINED BY THE COMMISSIONER.

S 3. The sum of ten million dollars ($10,000,000), or so much thereof as may be necessary, is hereby appropriated to the New York state justice reinvestment fund from the general fund, for administration of grants to qualified entities selected by the division of criminal justice services.

S 4. This act shall take effect immediately.