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 23, 2009

Introduced by M. of A. BENJAMIN, CLARK, GREENE, CAMARA, WRIGHT, ROBINSON, ESPAILLAT -- Multi-Sponsored by -- M. of A. COLTON, GOTTFRIED, HOOPER, MAISEL, MAYERSOHN, REILLY, SCARBOROUGH, SCHIMEL, SWEENEY, WEISENBERG -- read once and referred to the Committee on Codes

AN ACT to amend the executive law and the court of claims act, in relation to establishing the office of re-entry coordination for the wrongfully convicted and the re-entry for the wrongfully convicted program

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

Section 1. The executive law is amended by adding two new sections 837-s and 837-t to read as follows:

S 837-S. OFFICE OF RE-ENTRY COORDINATION FOR THE WRONGFULLY CONVICTED. 1. THERE IS HEREBY ESTABLISHED WITHIN THE DIVISION THE OFFICE OF RE-ENTRY COORDINATION FOR THE WRONGFULLY CONVICTED, HEREINAFTER REFERRED TO AS THE "OFFICE".

2. THE OFFICE ESTABLISHED BY THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF MENTAL HEALTH, THE COMMISSIONER OF LABOR, AND THE SECRETARY OF STATE, SHALL BE RESPONSIBLE FOR THE IMPLEMENTATION AND COORDINATION OF THE RE-ENTRY FOR THE WRONGFULLY CONVICTED PROGRAM SERVICES, AS PROVIDED IN SECTION EIGHT HUNDRED THIRTY-SEVEN-T OF THIS ARTICLE. ITS ACTIVITIES SHALL INCLUDE, BUT NOT BE LIMITED TO:

(A) DISTRIBUTING FUNDS, APPROPRIATED THEREFOR, TO PROGRAM PARTICIPANTS;

(B) SERVING AS A CLEARINGHOUSE FOR REFERRAL INFORMATION INCLUDING PHYSICAL AND MENTAL HEALTH CARE TREATMENT PROVIDERS; HOUSING REFERRAL CONTACTS; EDUCATION AND EMPLOYMENT OPPORTUNITY COUNSELORS; FINANCIAL PLANNING, INVESTMENT AND DEBT MANAGEMENT SPECIALISTS, AND ANY OTHER ASSISTANCE FOR THE WRONGFULLY CONVICTED TO RE-INTEGRATE INTO SOCIETY;

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

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(C) ADVISING THE GOVERNOR AND THE LEGISLATURE ON THE MOST EFFECTIVE WAYS FOR STATE GOVERNMENT TO ADDRESS NEEDS AND PROVIDE SERVICES FOR THE WRONGFULLY CONVICTED;

(D) COORDINATING AND RECOMMENDING POLICY AND INTERAGENCY INITIATIVES INCLUDING MATTERS RELATING TO RESIDENTIAL ISSUES, PHYSICAL HEALTH ISSUES, MENTAL HEALTH ISSUES, FINANCIAL PLANNING AND MANAGEMENT, EMPLOYMENT ASSISTANCE, AND OTHER MATTERS RELATING TO RE-ENTRY AND RE-INTEGRATION INTO SOCIETY;

(E) ACTING AS AN ADVOCATE FOR RE-INTEGRATION OF WRONGFULLY CONVICTED PERSONS;

(F) DEVELOPING AND IMPLEMENTING CAMPAIGNS OF PUBLIC AWARENESS AND FOSTERING COMMUNITY SUPPORT; AND

(G) DEVELOPING A MANAGEMENT SYSTEM AND OTHER INFORMATION TECHNOLOGY TO SUPPORT STATE ACTIVITIES IN THE COORDINATION AND EVALUATION OF THE RE-ENTRY FOR THE WRONGFULLY CONVICTED PROGRAM.

3. OTHER STATE AGENCIES SHALL PROVIDE COOPERATION AND ASSISTANCE TO THE OFFICE SO AS TO ASSIST IT IN THE EFFECTIVE PERFORMANCE OF ITS DUTIES.

4.(A) THE DIVISION SHALL ANNUALLY PUBLISH A REPORT ON:

(I) THE AMOUNT OF COMPENSATION MADE BY THE OFFICE TO WRONGFULLY CONVICTED AND IMPRISONED PERSONS, INCLUDING THE NUMBERS OF PERSONS SERVED AND THE LENGTH OF PARTICIPATION IN THE PROGRAM;

(II) THE NUMBERS AND TYPES OF REFERRALS MADE FOR EACH CATEGORY OF REFERRAL PROVIDED TO PARTICIPANTS IN THE PROGRAM; AND

(III) THE PROGRAM EVALUATION AND RECOMMENDATIONS FOR CHANGE.

(B) COPIES OF SUCH REPORT SHALL BE SENT TO THE LEGISLATURE AND THE GOVERNOR AND BE MADE AVAILABLE TO THE PUBLIC UPON REQUEST.

S 837-T. RE-ENTRY FOR THE WRONGFULLY CONVICTED PROGRAM. THE RE-ENTRY FOR THE WRONGFULLY CONVICTED PROGRAM IS HEREBY ESTABLISHED FOR PERSONS WHO HAVE BEEN PARDONED FOR OR ADJUDICATED UNJUSTLY CONVICTED AND IMPRISONED, AND ELECT TO PARTICIPATE IN SUCH PROGRAM, HEREINAFTER REFERRED TO AS THE "PROGRAM". 1. THE APPLICANT MUST PRESENT TO THE OFFICE OF RE-ENTRY COORDINATION FOR THE WRONGFULLY CONVICTED A VERIFIED COPY OF A JUDGMENT IN FAVOR OF HIS OR HER CLAIM OF UNJUST CONVICTION AND IMPRISONMENT, AS PROVIDED IN SECTION EIGHT-B OF THE COURT OF CLAIMS ACT.

2. THE PROGRAM SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING COMPONENTS UPON VERIFICATION OF ELIGIBILITY BY THE COMMISSIONER, OR HIS OR HER DESIGNEE:

(A) IMMEDIATE ENROLLMENT FOR UP TO TEN YEARS INTO HEALTH INSURANCE FOR STATE AND RETIRED EMPLOYEES, AS PROVIDED IN ARTICLE ELEVEN OF THE CIVIL SERVICE LAW, OR ITS BENEFIT EQUIVALENT;

(B) REFERRAL AND COMPENSATION FOR HOUSING AND TRANSPORTATION FOR ONE YEAR;

(C) REFERRAL AND COMPENSATION FOR MENTAL HEALTH AND PHYSICAL HEALTH COSTS NOT COVERED BY INSURANCE FOR AS LONG AS MEDICALLY NECESSARY;

(D) COMPENSATION FOR ATTORNEY FEES FOR THE COURT OF CLAIMS PROCEEDING NOT TO EXCEED SEVENTY-FIVE THOUSAND DOLLARS;

(E) REFERRALS TO PROGRAM SERVICES INCLUDING, BUT NOT LIMITED TO, PHYSICAL HEALTH SERVICES, MENTAL HEALTH SERVICES, PARENTING AND FAMILY COUNSELING, HOUSING ASSISTANCE, FINANCIAL PLANNING, INVESTMENT AND DEBT MANAGEMENT SPECIALISTS, JOB PREPARATION AND COUNSELING, AND EMPLOYMENT PLACEMENT.

S 2. Subdivision 6 of section 8-b of the court of claims act, as added by chapter 1009 of the laws of 1984, is amended to read as follows:

6. If the court finds that the claimant is entitled to a judgment, it shall award damages in such sum of money as the court determines will

fairly and reasonably compensate him OR HER, AND REFER HIM OR HER TO THE RE-ENTRY FOR THE WRONGFULLY CONVICTED PROGRAM, AS PROVIDED IN SECTION EIGHT HUNDRED THIRTY-SEVEN-T OF THE EXECUTIVE LAW.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.