

1269

2009-2010 Regular Sessions

I N S E N A T E

January 28, 2009

Introduced by Sens. MONTGOMERY, DUANE, HASSELL-THOMPSON, KRUEGER, PARKER, SAMPSON, SAVINO, THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to create a temporary state commission to study and investigate issues affecting reentry of inmates released from correctional facilities; making an appropriation therefor; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. A temporary state commission, to be known as the New York
2 state criminal justice commission on reentry (hereinafter "commission"),
3 is hereby created to study issues, including relevant statutes, regu-
4 lations and existing programs involving reentry and re-integration of
5 inmates released from state and local correctional facilities. The
6 commission shall investigate all factors that impede successful re-inte-
7 gration into society and obviate the concept of a second chance. The
8 commission shall analyze the impact of existing policies on successful
9 reentry, identify specific obstacles to re-integration and compare poli-
10 cies of this state to those of other states and the federal government.
11 The commission shall collect data from state and federal agencies and
12 may analyze any current research deemed relevant and appropriate.
13 S 2. a. The commission shall consist of eighteen members as follows:
14 three members shall be appointed by the speaker of the assembly; three
15 members shall be appointed by the temporary president of the senate; two
16 members shall be appointed by the minority leader of the senate; and two
17 members shall be appointed by the minority leader of the assembly.
18 Members so appointed shall be representative of community based provid-
19 ers of employment, education, housing and other services needed by indi-
20 viduals returning to society from prison, criminal justice advocates,
21 and academic professionals in the field of criminal justice. The remain-
22 ing members shall be the heads of the following departments or agencies

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

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1 or their respective designees: the department of correctional services,
2 the department of criminal justice services, the division of housing and
3 community renewal, the department of labor, the department of education,
4 the office of alcoholism and substance abuse services, the division of
5 probation and correctional alternatives and the division of parole. No
6 person shall be a member of such commission while such person is a
7 member of the senate or assembly. Any vacancy on such commission shall
8 be filled in the same manner as the original appointment was made. The
9 chairperson of the commission shall be the head or designee of the divi-
10 sion of criminal justice services. The vice-chairperson of the commis-
11 sion shall be a representative of one of the community-based organiza-
12 tions and appointed by the chairperson.

13 b. Except as provided in subdivision a of this section, no member,
14 officer or employee of the commission shall be disqualified from holding
15 any other public office or employment, nor shall he or she forfeit any
16 such office or employment by reason of his or her appointment hereunder,
17 notwithstanding the provisions of any general, special or local law,
18 ordinance or city charter.

19 S 3. The members of the commission shall receive no compensation for
20 their services, but shall be allowed their actual and necessary expenses
21 incurred in the performance of their duties hereunder.

22 S 4. The commission may employ and at pleasure remove such personnel
23 as it may deem necessary for the performance of its functions and fix
24 their compensation within the amounts made available by appropriation
25 therefor.

26 S 5. For the accomplishment of its purposes, the commission shall be
27 authorized and empowered to undertake any studies, inquiries, surveys or
28 analyses it may deem relevant through its own personnel or in cooper-
29 ation with or by agreement with any other public or private agency. Such
30 commission shall meet and hold public hearings or private meetings with-
31 in or without the state, and shall have all the powers of a legislative
32 committee pursuant to the legislative law.

33 S 6. The commission may request and shall receive from any court in
34 the state and from any subdivision, department, board, bureau, commis-
35 sion, office, agency or other instrumentality of the state or of any
36 political subdivision thereof such facilities, assistance and data as it
37 deems necessary or desirable for the proper execution of its powers and
38 duties and to effectuate the purposes set forth in this act.

39 S 7. The commission shall make a report of its findings, including any
40 recommendations for legislative action as it may deem necessary and
41 appropriate, to the governor and the legislature no later than the thir-
42 ty-first of December in the year next succeeding the year in which this
43 act shall have become a law.

44 S 8. The sum of two hundred fifty thousand dollars (\$250,000) or so
45 much thereof as may be deemed necessary is hereby appropriated out of
46 any moneys in the state treasury in the general fund to the credit of
47 the state purposes account for services and expenses of the state crimi-
48 nal justice commission on reentry, not otherwise appropriated, and made
49 immediately available for the purposes of carrying out the provisions of
50 this act. Such moneys shall be payable on the audit and warrant of the
51 comptroller on vouchers certified or approved by the chair of the tempo-
52 rary commission established by this act.

53 S 9. This act shall take effect immediately and shall continue in full
54 force and effect until the thirty-first of December next succeeding the
55 year in which it shall have become a law when upon such date the
56 provisions of this act shall expire and be deemed repealed.