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

106

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. MONTGOMERY, DUANE, HASSELL-THOMPSON, KRUEGER, PARKER, SAMPSON, SAVINO -- 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:

Section 1. A temporary state commission, to be known as the New York state criminal justice commission on reentry (hereinafter "commission"), is hereby created to study issues, including relevant statutes, regulations and existing programs involving reentry and re-integration of inmates released from state and local correctional facilities. The commission shall investigate all factors that impede successful re-integration into society and obviate the concept of a second chance. The commission shall analyze the impact of existing policies on successful reentry, identify specific obstacles to re-integration and compare policies of this state to those of other states and the federal government. The commission shall collect data from state and federal agencies and may analyze any current research deemed relevant and appropriate.

S 2. a. The commission shall consist of eighteen members as follows: three members shall be appointed by the speaker of the assembly; three members shall be appointed by the temporary president of the senate; two members shall be appointed by the minority leader of the senate; and two members shall be appointed by the minority leader of the assembly. Members so appointed shall be representative of community based providers of employment, education, housing and other services needed by individuals returning to society from prison, criminal justice advocates, and academic professionals in the field of criminal justice. The remaining members shall be the heads of the following departments or agencies or their respective designees: the department of correctional services, the department of criminal justice services, the division of housing and

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

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community renewal, the department of labor, the department of education, the office of alcoholism and substance abuse services, the division of probation and correctional alternatives and the division of parole. No person shall be a member of such commission while such person is a member of the senate or assembly. Any vacancy on such commission shall be filled in the same manner as the original appointment was made. The chairperson of the commission shall be the head or designee of the division of criminal justice services. The vice-chairperson of the commission shall be a representative of one of the community-based organizations and appointed by the chairperson.

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

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

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

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

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

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

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

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