

3235--A

2015-2016 Regular Sessions

I N A S S E M B L Y

January 22, 2015

Introduced by M. of A. AUBRY, PERRY, FAHY -- read once and referred to the Committee on Correction -- recommitted to the Committee on Correction in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law and the public health law, in relation to birth certificates for inmates

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

1 Section 1. Section 71 of the correction law is amended by adding a new
2 subdivision 9 to read as follows:

3 9. (A) FOR ANY INMATE WHO WILL BE COMMITTED TO THE CUSTODY OF THE
4 DEPARTMENT FOR ONE YEAR OR GREATER, THE COMMISSIONER SHALL MAKE DILIGENT
5 EFFORTS TO OBTAIN A COPY OF THE BIRTH CERTIFICATE OR CERTIFICATION OF
6 BIRTH AND SOCIAL SECURITY CARD FOR EACH SUCH INMATE UNDER HIS OR HER
7 CUSTODY. SUCH BIRTH CERTIFICATE OR CERTIFICATION OF BIRTH AND SOCIAL
8 SECURITY CARD SHALL BE KEPT IN THE INMATE RECORDS UNTIL THE INMATE IS
9 RELEASED FROM CUSTODY UPON WHICH SUCH BIRTH CERTIFICATE OR CERTIFICATION
10 OF BIRTH AND SOCIAL SECURITY CARD SHALL BE PROVIDED TO THE INMATE.

11 (B) WHERE A FACILITY IN WHICH AN INMATE IS HOUSED RECEIVES A BIRTH
12 CERTIFICATE OR CERTIFICATION OF BIRTH CONTAINING MISSING OR INCOMPLETE
13 INFORMATION AS TO THE INMATE'S FIRST NAME SUCH FACILITY SHALL INITIATE
14 THE PROCESS TO CORRECT OR AMEND THE BIRTH CERTIFICATE OF THE INMATE IN
15 CONSULTATION WITH AND UPON CONSENT OF THE INMATE.

16 S 2. Subdivision 2 of section 125 of the correction law, as amended by
17 section 21 of subpart A of part C of chapter 62 of the laws of 2011, is
18 amended to read as follows:

19 2. The superintendent of each of said facilities shall furnish to each
20 inmate who shall be discharged or released from said facility by pardon,
21 parole, conditional release or otherwise, except such inmates as are
22 released for return for resentence or new trial or upon a certificate of

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

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1 reasonable doubt, and except such inmates who are released to partic-
2 ipate in a program outside the facility who are required to return to
3 the facility, suitable clothing adapted to the season in which he or she
4 is discharged not to exceed sixty-five dollars in value and transporta-
5 tion to the county of his or her conviction or to such other place as
6 the commissioner may designate. In addition, the commissioner shall take
7 such steps as are necessary to ensure that inmates have A DEPARTMENT-IS-
8 SUED RELEASE PHOTO IDENTIFICATION CARD WHICH SHALL BE VALID FOR NINETY
9 DAYS OR GREATER, AND at least forty dollars available upon release.

10 S 3. Subdivision 5 of section 201 of the correction law, as added by
11 section 32 of subpart A of part C of chapter 62 of the laws of 2011, is
12 amended to read as follows:

13 5. (A) The department shall assist inmates eligible for community
14 supervision and [inmates] PERSONS who are on community supervision to
15 secure employment, educational or vocational training, and housing.

16 (B) WHERE A PERSON ON COMMUNITY SUPERVISION WHOSE DEPARTMENT-ISSUED
17 RELEASE IDENTIFICATION CARD WILL EXPIRE PRIOR TO SUCH PERSON OBTAINING A
18 STATE IDENTIFICATION CARD FROM THE DEPARTMENT OF MOTOR VEHICLES, THE
19 COMMUNITY SUPERVISION OFFICER SHALL REQUEST THAT THE DEPARTMENT REISSUE
20 SUCH RELEASE IDENTIFICATION CARD FOR AN ADDITIONAL PERIOD OF TIME IF IN
21 THE OFFICER'S DISCRETION SUCH REISSUANCE WILL HELP TO ENSURE THAT THE
22 PERSON ON COMMUNITY SUPERVISION SHALL HAVE UNINTERRUPTED POSSESSION OF A
23 STATE-ISSUED PHOTO IDENTIFICATION CARD.

24 S 4. Subdivision 4 of section 4174 of the public health law, as
25 amended by section 32 of part L of chapter 56 of the laws of 2015, is
26 amended to read as follows:

27 4. No fee shall be charged for a search, certification, certificate,
28 certified copy or certified transcript of a record to be used for school
29 entrance, employment certificate or for purposes of public relief or
30 when required by the veterans administration to be used in determining
31 the eligibility of any person to participate in the benefits made avail-
32 able by the veterans administration or when required by a board of
33 elections for the purposes of determining voter eligibility or when
34 requested by the department of corrections and community supervision or
35 a local correctional facility as defined in subdivision sixteen of
36 section two of the correction law for the purpose of CORRECTING, AMEND-
37 ING, OR providing a certified copy or certified transcript of birth to
38 an inmate in anticipation of such inmate's release from custody or when
39 requested by the office of children and family services or an authorized
40 agency for the purpose of providing a certified copy or certified tran-
41 script of birth to a youth placed in the care and custody or custody and
42 guardianship of the local commissioner of social services or the care
43 and custody or custody and guardianship of the office of children and
44 family services in anticipation of such youth's discharge from placement
45 or foster care.

46 S 5. Section 4179 of the public health law, as amended by section 133
47 of subpart B of part C of chapter 62 of the laws of 2011, is amended to
48 read as follows:

49 S 4179. Vital records; fees; city of New York. Notwithstanding the
50 provisions of paragraph one of subdivision a of section 207.13 of the
51 health code of the city of New York, the department of health shall
52 charge, and the applicant shall pay, for a search of two consecutive
53 calendar years under one name and the issuance of a certificate of
54 birth, death or termination of pregnancy, or a certification of birth or
55 death, or a certification that the record cannot be found, a fee of
56 fifteen dollars for each copy. Provided, however, that no such fee shall

1 be charged when the department of corrections and community supervision
2 or a local correctional facility as defined in subdivision sixteen of
3 section two of the correction law requests a certificate of birth or
4 certification of birth for the purpose of CORRECTING, AMENDING, OR
5 providing such certificate of birth or certification of birth to an
6 inmate in anticipation of such inmate's release from custody or when the
7 office of children and family services or an authorized agency requests
8 a certified copy or certified transcript of birth for a youth placed in
9 the custody of the local commissioner of social services or the custody
10 of the office of children and family services pursuant to article three
11 of the family court act for the purpose of providing such certified copy
12 or certified transcript of birth to such youth in anticipation of
13 discharge from placement.

14 S 6. This act shall take effect on the one hundred twentieth day after
15 it shall have become a law.