

# STATE OF NEW YORK

4310

2019-2020 Regular Sessions

## IN ASSEMBLY

February 4, 2019

Introduced by M. of A. AUBRY -- read once and referred to the Committee on Correction

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 § 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 resentencing or new trial or upon a certificate of  
23 reasonable doubt, and except such inmates who are released to partic-  
24 ipate in a program outside the facility who are required to return to  
25 the facility, suitable clothing adapted to the season in which he or she

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

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1 is discharged not to exceed sixty-five dollars in value and transporta-  
2 tion to the county of his or her conviction or to such other place as  
3 the commissioner may designate. In addition, the commissioner shall take  
4 such steps as are necessary to ensure that inmates have a department-is-  
5 sued release photo identification card which shall be valid for ninety  
6 days or greater, and at least forty dollars available upon release.

7 § 3. Subdivision 5 of section 201 of the correction law, as added by  
8 section 32 of subpart A of part C of chapter 62 of the laws of 2011, is  
9 amended to read as follows:

10 5. (a) The department shall assist inmates eligible for community  
11 supervision and [~~inmates~~] persons who are on community supervision to  
12 secure employment, educational or vocational training, and housing.

13 (b) Where a person on community supervision whose department-issued  
14 release identification card will expire prior to such person obtaining a  
15 state identification card from the department of motor vehicles, the  
16 community supervision officer shall request that the department reissue  
17 such release identification card for an additional period of time if in  
18 the officer's discretion such reissuance will help to ensure that the  
19 person on community supervision shall have uninterrupted possession of a  
20 state-issued photo identification card.

21 § 4. Subdivision 4 of section 4174 of the public health law, as  
22 amended by chapter 323 of the laws of 2016, is amended to read as  
23 follows:

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

44 § 5. Section 4179 of the public health law, as amended by chapter 323  
45 of the laws of 2016, is amended to read as follows:

46 § 4179. Vital records; fees; city of New York. Notwithstanding the  
47 provisions of paragraph one of subdivision a of section 207.13 of the  
48 health code of the city of New York, the department of health shall  
49 charge, and the applicant shall pay, for a search of two consecutive  
50 calendar years under one name and the issuance of a certificate of  
51 birth, death or termination of pregnancy, or a certification of birth or  
52 death, or a certification that the record cannot be found, a fee of  
53 fifteen dollars for each copy. Provided, however, that no such fee shall  
54 be charged when the department of corrections and community supervision  
55 or a local correctional facility as defined in subdivision sixteen of  
56 section two of the correction law requests a certificate of birth or

1 certification of birth for the purpose of correcting, amending, or  
2 providing such certificate of birth or certification of birth to an  
3 inmate in anticipation of such inmate's release from custody or to  
4 obtain a death certificate to be used for administrative purposes for an  
5 inmate who has died under custody or when the office of children and  
6 family services or an authorized agency requests a certified copy or  
7 certified transcript of birth for a youth placed in the custody of the  
8 local commissioner of social services or the custody of the office of  
9 children and family services pursuant to article three of the family  
10 court act for the purpose of providing such certified copy or certified  
11 transcript of birth to such youth in anticipation of discharge from  
12 placement.  
13 § 6. This act shall take effect on the one hundred twentieth day after  
14 it shall have become a law.