# STATE OF NEW YORK

8503

2019-2020 Regular Sessions

# IN ASSEMBLY

August 7, 2019

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

AN ACT establishing the New York state commission to end mass incarceration and to prevent violence

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. Legislative intent. The United States has the largest prison population in the world as well as the highest per-capita incarceration rate. In the United States, crime rate is not much higher compared to that in Western Europe. However, the incarceration rate is three or four times higher even though the crime rate is lower than at any time since the mid-1960s, and the United States has incarcerated seven times as many people since that time while making up about five percent of the world's population, and has nearly twenty-one percent of the world's prisoners. African Americans are incarcerated at more than five times the rate of whites. The imprisonment rate of African Americans for drug charges is almost six times that of whites even while African Americans and whites use drugs at similar rates, and if African Americans and Hispanics were incarcerated at the same rates as whites, prison and jail populations would be reduced by almost forty percent. It shall be the policy of the state of New York to end mass incarceration and to deter violent crime for the purpose of justice and public safety.

§ 2. A temporary state commission, to be known as the New York state commission to end mass incarceration and to prevent violence, is hereby created to investigate, evaluate and make recommendations concerning how to reduce the New York prison population and the incidences of violent crime in New York state.

§ 3. (a) The commission shall consist of seventeen members, to be appointed as follows: nine members to be appointed by the governor, one of whom shall be the chair; three members to be appointed by the temporary president of the senate; one member appointed by the senate minori-

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

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ty leader; three members appointed by the speaker of the assembly; and one member appointed by the assembly minority leader.

(b) 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 under this act. 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.

§ 4. Specifically the commission shall investigate:

(a) how to reduce the New York prison population based on fairness and justice by exploring various topics, including, but not limited to:

(1) operations of the criminal justice system;

(2) the impact of the war on drugs;

(3) racial inequities throughout state of New York criminal justice system;

(4) the impact of economic and social inequalities;

(5) reduced mandatory sentences and sentencing reform generally;

(6) more sentencing flexibility for judges;

(7) reducing the post-release impact of imprisonment by banning employers from asking about prison histories and providing more access to employment, education, housing, social services and other public benefits;

(8) drug and alcohol addictions, and mental illness treatment in prison;

(9) drug and alcohol addictions, and mental illness treatment alternatives to prison;

(10) the impact of privately-owned prisons;

(11) humane treatment of prisoners and safe and healthy prison conditions;

(12) spread of HIV and AIDS in prisons;

(13) policies that have increased costs to prisoners such as use of phones or purchasing supplies, which discriminate against lower income inmates; and

(14) bail reform; and

(b) how to reduce the incidences of violent crime in New York state by examining various topics, including, but not limited to:

(1) providing body cams for police;

(2) supporting community policing;

(3) improving police training;

(4) increasing educational and job training opportunities for the at-risk population;

(5) reducing high school dropout rates;

(6) additional employment opportunities;

(7) social work-related support systems;

(8) preventative violent crime measures;

(9) increasing individual and community awareness programs;

(10) stricter gun laws aimed at keeping guns from criminals, the mentally impaired, and children, and to prevent accidents through enhanced training and regulations;

(11) increasing use of data and information technology;

(12) additional investments in police, schools, and re-entry programs;

(13) the relationship between drugs and alcohol with violent crime;

(14) gang violence;

(15) how to combat racial profiling; and

(16) reducing blighted housing.

§ 5. (a) For the accomplishment of its purposes, the commission may meet and hold public and/or private hearings within or without the state, and shall have all the powers of a legislative committee pursuant to the legislative law. The commission is 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.

(b) To the maximum extent feasible, the commission may request and shall be entitled to receive and shall utilize and be provided with such facilities, resources and data 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 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.

(c) The commission is hereby authorized and empowered to enter into any agreements and to do and perform any acts that may be necessary, desirable or proper to carry out the purposes and objectives of this act.

§ 6. The commission shall make recommendations and a report of its findings. The commission shall submit such recommendations and report, including any recommendations for legislative action as it may deem necessary and appropriate, to the governor, the temporary president of the senate and the speaker of the assembly, and made public online on the governor's website no later than December first, two thousand twenty.

§ 7. This act shall take effect immediately.