STATE OF NEW YORK

4212

2019-2020 Regular Sessions

IN SENATE

March 4, 2019

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and 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:

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

9. (a) For any inmate who will be committed to the custody of the department for one year or greater, the commissioner shall make diligent efforts to obtain a copy of the birth certificate or certification of birth and social security card for each such inmate under his or her custody. Such birth certificate or certification of birth and social security card shall be kept in the inmate records until the inmate is released from custody upon which such birth certificate or certification of birth and social security card shall be provided to the inmate.

(b) Where a facility in which an inmate is housed receives a birth certificate or certification of birth containing missing or incomplete information as to the inmate's first name such facility shall initiate the process to correct or amend the birth certificate of the inmate in consultation with and upon consent of the inmate.

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

2. The superintendent of each of said facilities shall furnish to each inmate who shall be discharged or released from said facility by pardon, parole, conditional release or otherwise, except such inmates as are released for return for resentence or new trial or upon a certificate of reasonable doubt, and except such inmates who are released to participate in a program outside the facility who are required to return to

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

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the facility, suitable clothing adapted to the season in which he or she is discharged not to exceed sixty-five dollars in value and transportation to the county of his or her conviction or to such other place as the commissioner may designate. In addition, the commissioner shall take such steps as are necessary to ensure that inmates have **a department-issued release photo identification card which shall be valid for ninety days or greater, and** at least forty dollars available upon release.

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

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

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

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

4. No fee shall be charged for a search, certification, certificate, certified copy or certified transcript of a record to be used for school entrance, employment certificate or for purposes of public relief or when required by the veterans administration to be used in determining the eligibility of any person to participate in the benefits made available by the veterans administration or when required by a board of elections for the purposes of determining voter eligibility or when requested by the department of corrections and community supervision or a local correctional facility as defined in subdivision sixteen of section two of the correction law for the purpose of **correcting, amending, or** providing a certified copy or certified transcript of birth to an inmate in anticipation of such inmate's release from custody or to obtain a death certificate to be used for administrative purposes for an inmate who has died under custody or when requested by the office of children and family services or an authorized agency for the purpose of providing a certified copy or certified transcript of birth to a youth placed in the care and custody or custody and guardianship of the local commissioner of social services or the care and custody or custody and guardianship of the office of children and family services in anticipation of such youth's discharge from placement or foster care.

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

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

section two of the correction law requests a certificate of birth or certification of birth for the purpose of **correcting, amending, or** providing such certificate of birth or certification of birth to an inmate in anticipation of such inmate's release from custody or to obtain a death certificate to be used for administrative purposes for an inmate who has died under custody or when the office of children and family services or an authorized agency requests a certified copy or certified transcript of birth for a youth placed in the custody of the local commissioner of social services or the custody of the office of children and family services pursuant to article three of the family court act for the purpose of providing such certified copy or certified transcript of birth to such youth in anticipation of discharge from placement.

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