

STATE OF NEW YORK

2855--A

Cal. No. 370

2021-2022 Regular Sessions

IN SENATE

January 26, 2021

Introduced by Sens. SEPULVEDA, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- recommitted to the Committee on Crime Victims, Crime and Correction in accordance with Senate Rule 6, sec. 8 -- 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 incarcerated individuals

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

1 Section 1. Subdivision (a) of section 601 of the correction law, as
2 amended by section 209 of chapter 322 of the laws of 2021, is amended to
3 read as follows:
4 (a) Whenever an incarcerated individual shall be delivered to the
5 superintendent of a state correctional facility pursuant to an indeter-
6 minate or determinate sentence, the officer so delivering such incarcer-
7 ated individual shall deliver to such superintendent, the sentence and
8 commitment or certificate of conviction, or a certified copy thereof,
9 and a copy of any order of protection pursuant to section 380.65 of the
10 criminal procedure law received by such officer from the clerk of the
11 court by which such incarcerated individual shall have been sentenced, a
12 copy of the report of the probation officer's investigation and report
13 or a detailed statement covering the facts relative to the crime and
14 previous history certified by the district attorney, a copy of the
15 incarcerated individual's fingerprint records, a detailed summary of
16 available medical records, psychiatric records and reports relating to
17 assaults, or other violent acts, attempts at suicide or escape by the
18 incarcerated individual while in the custody of the local correctional
19 facility; any such medical or psychiatric records in the possession of a
20 health care provider other than the local correctional facility shall be
21 summarized in detail and forwarded by such health care provider to the

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

LBD00561-02-2

1 medical director of the appropriate state correctional facility upon
2 request; the superintendent shall present to such officer a certificate
3 of the delivery of such incarcerated individual, and the fees of such
4 officer for transporting such incarcerated individual shall be paid from
5 the treasury upon the audit and warrant of the comptroller. The sentence
6 and commitment or certificate of conviction shall be deemed to grant
7 authorization to the department of corrections and community supervision
8 to request a certified copy of a birth certificate or certification of
9 birth, or certified transcript of birth on behalf of an incarcerated
10 individual, when such request is made pursuant to section forty-one
11 hundred seventy-nine or subdivision four of section forty-one hundred
12 seventy-four of the public health law. Whenever an incarcerated individ-
13 ual of the state is delivered to a local facility, the superintendent
14 shall forward summaries of such records to the local facility with the
15 incarcerated individual.

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

18 9. (a) For any incarcerated individual who will be committed to the
19 custody of the department for one year or greater, the commissioner
20 shall make diligent efforts to obtain a certified copy of the birth
21 certificate or certification of birth or certified transcript of birth
22 and social security card for each such individual incarcerated in an
23 institution or correctional facility under the jurisdiction of the
24 department.

25 (b) Such birth certificate or certification of birth, or certified
26 transcript of birth and social security card shall be kept in the
27 incarcerated individual's records until the incarcerated individual is
28 released from the department's custody upon which, such birth certif-
29 icate or certification of birth, or certified transcript of birth and
30 the individual's social security card shall be provided to the individ-
31 ual.

32 (c) Where a facility in which an incarcerated individual is housed
33 receives a certified birth certificate or certification of birth
34 containing missing or incomplete information as to the incarcerated
35 individual's first name, such facility shall initiate the process to
36 correct or amend the birth certificate of the incarcerated individual in
37 consultation with and upon consent of such individual.

38 § 3. Subdivision 2 of section 125 of the correction law, as amended by
39 chapter 322 of the laws of 2021, is amended to read as follows:

40 2. The superintendent of each of said facilities shall furnish to each
41 incarcerated individual who shall be discharged or released from said
42 facility by pardon, parole, conditional release or otherwise, except
43 such incarcerated individuals as are released for return for resentence
44 or new trial or upon a certificate of reasonable doubt, and except such
45 incarcerated individuals who are released to participate in a program
46 outside the facility who are required to return to the facility, suit-
47 able clothing adapted to the season in which he or she is discharged not
48 to exceed sixty-five dollars in value and transportation to the county
49 of his or her conviction or to such other place as the commissioner may
50 designate. In addition, the commissioner shall take such steps as are
51 necessary to ensure that, incarcerated individuals have a department
52 issued release issued release photo identification card which shall be
53 valid for one hundred twenty days and at least forty dollars available
54 upon release.

55 § 4. Subdivision 5 of section 201 of the correction law, as amended by
56 chapter 322 of the laws of 2021, is amended to read as follows:

1 5. (a) The department shall assist incarcerated individuals eligible
2 for community supervision and incarcerated individuals who are on commu-
3 nity supervision to secure employment, educational or vocational train-
4 ing, and housing.

5 (b) The department shall make diligent efforts to ensure that an
6 incarcerated individual upon their release, persons eligible for commu-
7 nity supervision, and persons released to community supervision are
8 provided with a state identification card issued by the department of
9 motor vehicles.

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

18 § 5. Subdivision 4 of section 4174 of the public health law, as
19 amended by chapter 322 of the laws of 2021, is amended to read as
20 follows:

21 4. No fee shall be charged for a search, certification, certificate,
22 certified copy or certified transcript of a record to be used for school
23 entrance, employment certificate or for purposes of public relief or
24 when required by the veterans administration to be used in determining
25 the eligibility of any person to participate in the benefits made avail-
26 able by the veterans administration or when required by a board of
27 elections for the purposes of determining voter eligibility or when
28 requested by the department of corrections and community supervision or
29 a local correctional facility as defined in subdivision sixteen of
30 section two of the correction law for the purpose of correcting, amend-
31 ing, or providing a certified copy or certified transcript of birth to
32 an incarcerated individual in anticipation of such incarcerated individ-
33 ual's release from custody or to obtain a death certificate to be used
34 for administrative purposes for an incarcerated individual who has died
35 under custody or when requested by the office of children and family
36 services or an authorized agency for the purpose of providing a certi-
37 fied copy or certified transcript of birth to a youth placed in the care
38 and custody or custody and guardianship of the local commissioner of
39 social services or the care and custody or custody and guardianship of
40 the office of children and family services in anticipation of such
41 youth's discharge from placement or foster care. Whenever a request is
42 made by the department of corrections and community supervision for a
43 certified copy of a birth certificate, or certification of birth, or
44 certified transcript of birth on behalf of an incarcerated individual
45 pursuant to this section, a certified copy of the sentence and commit-
46 ment or certificate of conviction shall be deemed to grant authorization
47 by the incarcerated individual to the department to submit such request
48 on their behalf, and no other authorization shall be required.

49 § 6. Section 4179 of the public health law, as amended by chapter 322
50 of the laws of 2021, is amended to read as follows:

51 § 4179. Vital records; fees; city of New York. Notwithstanding the
52 provisions of paragraph one of subdivision a of section 207.13 of the
53 health code of the city of New York, the department of health shall
54 charge, and the applicant shall pay, for a search of two consecutive
55 calendar years under one name and the issuance of a certificate of
56 birth, death or termination of pregnancy, or a certification of birth or

1 death, or a certification that the record cannot be found, a fee of
2 fifteen dollars for each copy. Provided, however, that no such fee shall
3 be charged when the department of corrections and community supervision
4 or a local correctional facility as defined in subdivision sixteen of
5 section two of the correction law requests a certificate of birth or
6 certification of birth for the purpose of correcting, amending, or
7 providing such certificate of birth or certification of birth to an
8 incarcerated individual in anticipation of such incarcerated individ-
9 ual's release from custody or to obtain a death certificate to be used
10 for administrative purposes for an incarcerated individual who has died
11 under custody or when the office of children and family services or an
12 authorized agency requests a certified copy or certified transcript of
13 birth for a youth placed in the custody of the local commissioner of
14 social services or the custody of the office of children and family
15 services pursuant to article three of the family court act for the
16 purpose of providing such certified copy or certified transcript of
17 birth to such youth in anticipation of discharge from placement.

18 § 7. This act shall take effect on the one hundred twentieth day after
19 it shall have become a law; provided, however, that the amendments to
20 subdivision (a) of section 601 of the correction law made by section one
21 of this act shall not affect the expiration of such subdivision and
22 shall be deemed to expire therewith.