

# STATE OF NEW YORK

8064

## IN SENATE

January 24, 2022

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services

AN ACT to amend the social services law and the correction law, in relation to programs, supports and services for individuals being released from state and local correctional facilities

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

1 Section 1. Subdivision 4 of section 158 of the social services law, as  
2 amended by section 44 of part B of chapter 436 of the laws of 1997, is  
3 amended to read as follows:

4 4. (a) Social services officials shall determine eligibility for safe-  
5 ty net assistance within forty-five days of receiving an application for  
6 safety net assistance. Such officials shall notify applicants of safety  
7 net assistance about the availability of assistance to meet emergency  
8 circumstances or to prevent eviction.

9 (b) When a local social services district is identified as the  
10 district of residence for an individual being released from a state or  
11 local correctional facility, such district shall accept an application  
12 for safety net assistance six months prior to such individual's earliest  
13 expected release date. In the event the individual is not granted  
14 parole, his or her application will be placed on hold status to be  
15 re-activated and given a priority rank once such individual is granted  
16 parole and an official release date is known. This special status shall  
17 be defined by process completion of the application by the respective  
18 district office within thirty days of receiving the official release  
19 date.

20 § 2. Subparagraph (iv) of paragraph (a) of subdivision 1 of section  
21 209 of the social services law, as amended by section 4 of part E of  
22 chapter 57 of the laws of 2012, is amended to read as follows:

23 (iv) is a resident of the state and is either a citizen of the United  
24 States or is not an alien who is or would be ineligible for federal  
25 supplemental security income benefits solely by reason of alien status.  
26 Provided however, an individual incarcerated in a state or local correc-  
27 tional facility, with the intention of residing in the state of New York

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

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1 upon their release, shall be eligible to apply for state supplemental  
2 payments at least six months prior to their earliest expected release  
3 date. In the event the individual is not granted parole, his or her  
4 application will be placed on hold status to be re-activated and given a  
5 priority rank once such individual is granted parole and an official  
6 release date is known. This special status will be defined by process  
7 completion of the application by the respective district office within  
8 thirty days of receiving the official release date.

9 § 3. Subdivision 2 of section 112 of the correction law, as amended by  
10 chapter 322 of the laws of 2021, is amended to read as follows:

11 2. The commissioner shall have the management and control of persons  
12 released on community supervision and of all matters relating to such  
13 persons' effective reentry into the community, as well as all contracts  
14 and fiscal concerns thereof. The commissioner shall have the power and  
15 it shall be his or her duty to inquire into all matters connected with  
16 said community supervision. The commissioner shall make such rules and  
17 regulations, not in conflict with the statutes of this state, for the  
18 governance of the officers and other employees of the department  
19 assigned to said community supervision, and in regard to the duties to  
20 be performed by them, as he or she deems proper and shall cause such  
21 rules and regulations to be furnished to each employee assigned to  
22 perform community supervision. The commissioner shall also prescribe a  
23 system of accounts and records to be kept, which shall be uniform. The  
24 commissioner shall also make rules and regulations for a record of  
25 photographs and other means of identifying each incarcerated individual  
26 released to community supervision. The commissioner shall appoint offi-  
27 cers and other employees of the department who are assigned to perform  
28 community supervision. Each incarcerated individual will be eligible to  
29 apply for safety net assistance, supplemental security income and state  
30 supplemental payments prior to their earliest expected release date in  
31 accordance with section one hundred fifty-eight of the social services  
32 law, 42 USC § 1383 and section two hundred nine of the social services  
33 law, respectively. The department shall provide assistance in completing  
34 and filing such applications and may contract with not-for-profit  
35 providers with experience assisting individuals during the application  
36 and appeals processes of such benefits to provide incarcerated individ-  
37 uals with assistance completing applications for such benefits.

38 § 4. The correction law is amended by adding a new section 500-q to  
39 read as follows:

40 § 500-q. Re-entry services. Each incarcerated individual will be  
41 eligible to apply for re-entry services, which must include, but are not  
42 limited to safety net assistance, supplemental security income and state  
43 supplemental payments prior to their earliest expected release date in  
44 accordance with section one hundred fifty-eight of the social services  
45 law, 42 USC § 1383 and section two hundred nine of the social services  
46 law, respectively. The offender rehabilitation coordinator or other  
47 person in charge of re-entry services at a local correctional facility  
48 will provide assistance in completing and filing such applications and  
49 may contract with not-for-profit providers with experience assisting  
50 individuals during the application and appeals processes for such bene-  
51 fits to provide incarcerated individuals with assistance in completing  
52 applications for such benefits. Each correctional facility will be  
53 required to report out to the criminal justice committee of the New York  
54 state legislature on how they are providing such re-entry services. Such  
55 reporting must include metrics on how many people were served and what  
56 services were received.

§ 5. The correction law is amended by adding a new section 71-b to read as follows:

§ 71-b. Reintegration pilot program. 1. The department, in collaboration with the office of temporary and disability assistance, the office of mental health and the office of addiction services and supports shall establish and conduct a five year reintegration pilot program to help ensure incarcerated individuals within the correctional facilities receive the supports and services necessary to meaningfully prepare for their release while still incarcerated, assist individuals to reintegrate into the community upon release and reduce recidivism. Such pilot program shall be conducted in three correctional facilities, one female and two male facilities, selected by the department, taking into consideration adequate geographic distribution within the state as well as availability of sufficient links to supports and services required by this section. For purposes of this pilot program, there shall be at least one hundred incarcerated individuals who on a voluntary basis request placement in the pilot program up to one year before their earliest expected release date. In the event the individual is not granted parole, his or her application will be placed on hold status to be re-activated and given a priority rank once such individual is granted parole and an official release date is known. This special status will be defined by process completion of the application by the respective district office within thirty days of receiving the official release date. Upon admission to the program, each incarcerated individual shall receive an in-depth screening and assessment to determine their specific needs as relating to, including but not limited to, mental health and substance use disorder services, educational needs and job readiness. In addition to an in-depth screening and assessment, participants in the pilot program shall also be linked with not-for-profit organizations and peer to peer engagement opportunities to assist with the individual's reintegration planning. This shall occur no less than six months prior to their expected release date and shall consist of, but not be limited to, assistance applying for public benefits, referrals and links to mental health and/or substance use disorder service providers if applicable, connections to employment opportunities as well as job training programs if appropriate, assistance finding available stable housing options to be available upon release and general supports and services that may be helpful for an individual reintegrating back into the community. In the event the individual is not granted parole, his or her application will be placed on hold status to be re-activated and given a priority rank once such individual is granted parole and an official release date is known. This special status will be defined by process completion of the application by the respective district office within thirty days of receiving the official release date.

2. Upon release from the correctional facility, individuals will continue to receive supports and services, as needed, for an additional six months, to ensure the individual's successful reintegration into the community. Such services shall include, but not be limited to, connecting individuals to health and behavioral health services, as appropriate, assistance ensuring compliance with any parole or court mandated activities, connections to employment opportunities based on their skills identified while incarcerated and assistance acquiring stable affordable housing. The collaborating agencies shall contract with not-for-profit providers to effectuate the requirements specified in this section.

1 3. The commissioner, in consultation with appropriate community organ-  
2 izations, shall submit within one year of the effective date of this  
3 section, and annually thereafter, a report to the governor, the tempo-  
4 rary president of the senate and the speaker of the assembly on the  
5 effectiveness of this pilot program. Such reports shall include an anal-  
6 ysis of the outcomes of the pilot program and recommendations for  
7 continued efforts to meaningfully prepare incarcerated individuals for  
8 their release while still incarcerated, assist individuals to reinte-  
9 grate into the community upon release and reduce recidivism. Such infor-  
10 mation provided in the report shall include, but not be limited to,  
11 information on the types of convictions of incarcerated individuals  
12 participating in the pilot program; the specific types of services that  
13 were provided while incarcerated as well as upon release; the outcomes  
14 and effectiveness, to the extent it is known, of such services provided;  
15 whether participants in the pilot program were able to find stable  
16 affordable housing and/or employment during their participation in the  
17 pilot program and any barriers that may have contributed to their  
18 inability to find housing and/or employment; and any other information  
19 or factors that were identified that may have created barriers to an  
20 individual's reintegration once released and the additional services  
21 that may alleviate those barriers.

22 4. No person shall have the right to demand or require participation  
23 in the pilot program authorized by this section.

24 5. Nothing in this section shall be construed to authorize the depart-  
25 ment to hold an incarcerated individual in confinement beyond their  
26 earliest release date.

27 § 6. The correction law is amended by adding a new section 11 to read  
28 as follows:

29 § 11. Identification card program. 1. The commissioner, in consulta-  
30 tion with the commissioner of motor vehicles and the federal bureau of  
31 prisons, shall develop a program to provide an identification card to  
32 each incarcerated individual upon the release of such individuals from  
33 the custody the department or from the custody of the federal bureau of  
34 prisons when such individual is a resident of New York state. No fee  
35 shall be charged to an incarcerated individual for the original issuance  
36 of such identification card.

37 2. As used in this section, "identification card" shall have the same  
38 meaning as such term is defined in section four hundred ninety of the  
39 vehicle and traffic law.

40 § 7. This act shall take effect on the first of January next succeed-  
41 ing the date upon which it shall have become a law. Effective immediate-  
42 ly, the addition, amendment and/or repeal of any rule or regulation  
43 necessary for the implementation of this act on its effective date are  
44 authorized to be made and completed on or before such effective date.