

# STATE OF NEW YORK

1613

2021-2022 Regular Sessions

## IN SENATE

January 14, 2021

Introduced by Sens. SANDERS, RIVERA, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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:

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

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

22 § 3. (a) The commission shall consist of seventeen members, to be  
23 appointed as follows: nine members to be appointed by the governor, one  
24 of whom shall be the chair; three members to be appointed by the tempo-  
25 rary 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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1 ty leader; three members appointed by the speaker of the assembly; and  
2 one member appointed by the assembly minority leader.

3 (b) The members of the commission shall receive no compensation for  
4 their services, but shall be allowed their actual and necessary expenses  
5 incurred in the performance of their duties under this act. The commis-  
6 sion may employ and at pleasure remove such personnel as it may deem  
7 necessary for the performance of its functions and fix their compen-  
8 sation within the amounts made available by appropriation therefor.

9 § 4. Specifically the commission shall investigate:

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

12 (1) operations of the criminal justice system;

13 (2) the impact of the war on drugs;

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

16 (4) the impact of economic and social inequalities;

17 (5) reduced mandatory sentences and sentencing reform generally;

18 (6) more sentencing flexibility for judges;

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

23 (8) drug and alcohol addictions, and mental illness treatment in pris-  
24 on;

25 (9) drug and alcohol addictions, and mental illness treatment alterna-  
26 tives to prison;

27 (10) the impact of privately-owned prisons;

28 (11) humane treatment of prisoners and safe and healthy prison condi-  
29 tions;

30 (12) spread of HIV and AIDS in prisons;

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

34 (14) bail reform; and

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

37 (1) providing body cams for police;

38 (2) supporting community policing;

39 (3) improving police training;

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

42 (5) reducing high school dropout rates;

43 (6) additional employment opportunities;

44 (7) social work-related support systems;

45 (8) preventative violent crime measures;

46 (9) increasing individual and community awareness programs;

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

50 (11) increasing use of data and information technology;

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

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

53 (14) gang violence;

54 (15) how to combat racial profiling; and

55 (16) reducing blighted housing.

1 § 5. (a) For the accomplishment of its purposes, the commission may  
2 meet and hold public and/or private hearings within or without the  
3 state, and shall have all the powers of a legislative committee pursuant  
4 to the legislative law. The commission is authorized and empowered to  
5 undertake any studies, inquiries, surveys or analyses it may deem rele-  
6 vant through its own personnel or in cooperation with or by agreement  
7 with any other public or private agency.

8 (b) To the maximum extent feasible, the commission may request and  
9 shall be entitled to receive and shall utilize and be provided with such  
10 facilities, resources and data from any court in the state and from any  
11 subdivision, department, board, bureau, commission, office, agency or  
12 other instrumentality of the state or of any political subdivision ther-  
13 eof as it deems necessary or desirable for the proper execution of its  
14 powers and duties and to effectuate the purposes set forth in this act.

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

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

26 § 7. This act shall take effect immediately.