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:

Section 1. Subdivision (a) of section 601 of the correction law, as amended by section 209 of chapter 322 of the laws of 2021, is amended to read as follows:

(a) Whenever an incarcerated individual shall be delivered to the superintendent of a state correctional facility pursuant to an indeterminate or determinate sentence, the officer so delivering such incarcerated individual shall deliver to such superintendent, the sentence and commitment or certificate of conviction, or a certified copy thereof, and a copy of any order of protection pursuant to section 380.65 of the criminal procedure law received by such officer from the clerk of the court by which such incarcerated individual shall have been sentenced, a copy of the report of the probation officer's investigation and report or a detailed statement covering the facts relative to the crime and previous history certified by the district attorney, a copy of the incarcerated individual's fingerprint records, a detailed summary of available medical records, psychiatric records and reports relating to assaults, or other violent acts, attempts at suicide or escape by the incarcerated individual while in the custody of the local correctional facility; any such medical or psychiatric records in the possession of a health care provider other than the local correctional facility shall be 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.

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

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

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

(b) Such birth certificate or certification of birth, or certified transcript of birth and social security card shall be kept in the incarcerated individual's records until the incarcerated individual is released from the department's custody upon which, such birth certificate or certification of birth, or certified transcript of birth and the individual's social security card shall be provided to the individual.

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

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

2. The superintendent of each of said facilities shall furnish to each incarcerated individual who shall be discharged or released from said facility by pardon, parole, conditional release or otherwise, except such incarcerated individuals as are released for return for resentence or new trial or upon a certificate of reasonable doubt, and except such incarcerated individuals who are released to participate in a program outside the facility who are required to return to 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**,** incarcerated individuals have **a department issued release issued release photo identification card which shall be valid for one hundred twenty days and** at least forty dollars available upon release.

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

5. (a) The department shall assist incarcerated individuals eligible for community supervision and incarcerated individuals who are on community supervision to secure employment, educational or vocational training, and housing.

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

(c) 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.

§ 5. Subdivision 4 of section 4174 of the public health law, as amended by chapter 322 of the laws of 2021, 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 incarcerated individual in anticipation of such incarcerated individual's release from custody or to obtain a death certificate to be used for administrative purposes for an incarcerated individual 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. Whenever a request is made by the department of corrections and community supervision for a certified copy of a birth certificate, or certification of birth, or certified transcript of birth on behalf of an incarcerated individual pursuant to this section, a certified copy of the sentence and commitment or certificate of conviction shall be deemed to grant authorization by the incarcerated individual to the department to submit such request on their behalf, and no other authorization shall be required.

§ 6. Section 4179 of the public health law, as amended by chapter 322 of the laws of 2021, 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 incarcerated individual in anticipation of such incarcerated individual's release from custody or to obtain a death certificate to be used for administrative purposes for an incarcerated individual 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.

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