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:

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

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

(b) When a local social services district is identified as the district of residence for an individual being released from a state or local correctional facility, such district shall accept an application for safety net assistance six months prior to such individual's 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 shall be defined by process completion of the application by the respective district office within thirty days of receiving the official release date.

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

(iv) is a resident of the state and is either a citizen of the United States or is not an alien who is or would be ineligible for federal supplemental security income benefits solely by reason of alien status. **Provided however, an individual incarcerated in a state or local correctional 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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upon their release, shall be eligible to apply for state supplemental payments at least six months prior to 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.

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

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

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

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

3. The commissioner, in consultation with appropriate community organizations, shall submit within one year of the effective date of this section, and annually thereafter, a report to the governor, the temporary president of the senate and the speaker of the assembly on the effectiveness of this pilot program. Such reports shall include an analysis of the outcomes of the pilot program and recommendations for continued efforts to meaningfully prepare incarcerated individuals for their release while still incarcerated, assist individuals to reintegrate into the community upon release and reduce recidivism. Such information provided in the report shall include, but not be limited to, information on the types of convictions of incarcerated individuals participating in the pilot program; the specific types of services that were provided while incarcerated as well as upon release; the outcomes and effectiveness, to the extent it is known, of such services provided; whether participants in the pilot program were able to find stable affordable housing and/or employment during their participation in the pilot program and any barriers that may have contributed to their inability to find housing and/or employment; and any other information or factors that were identified that may have created barriers to an individual's reintegration once released and the additional services that may alleviate those barriers.

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

5. Nothing in this section shall be construed to authorize the department to hold an incarcerated individual in confinement beyond their earliest release date.

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

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

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

§ 7. This act shall take effect on the first of January next succeeding the date upon which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.