

STATE OF NEW YORK

2461

2023-2024 Regular Sessions

IN ASSEMBLY

January 26, 2023

Introduced by M. of A. HEVESI, BURDICK, SIMON, DAVILA, GONZALEZ-ROJAS --
read once and referred to the Committee on Correction

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 Assem-
bly, do enact as follows:

1 Section 1. Subdivision 4 of section 158 of the social services law, as
2 amended by section 1 of part U of chapter 56 of the laws of 2022, is
3 amended to read as follows:

4 4. (a) Social services officials shall determine eligibility for safe-
5 ty net assistance within thirty 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 chapter 669 of the laws of
22 2022, 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 a noncitizen who is or would be ineligible for federal

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

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1 supplemental security income benefits solely by reason of noncitizen
2 status. Provided however, an individual incarcerated in a state or local
3 correctional facility, with the intention of residing in the state of
4 New York upon their release, shall be eligible to apply for state
5 supplemental payments at least six months prior to their earliest
6 expected release date. In the event the individual is not granted
7 parole, his or her application will be placed on hold status to be
8 re-activated and given a priority rank once such individual is granted
9 parole and an official release date is known. This special status will
10 be defined by process completion of the application by the respective
11 district office within thirty days of receiving the official release
12 date.

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

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

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

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

1 required to report out to the criminal justice committee of the New York
2 state legislature on how they are providing such re-entry services. Such
3 reporting must include metrics on how many people were served and what
4 services were received.

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

7 § 71-b. Reintegration pilot program. 1. The department, in collabor-
8 ation with the office of temporary and disability assistance, the
9 office of mental health and the office of addiction services and
10 supports shall establish and conduct a five year reintegration pilot
11 program to help ensure incarcerated individuals within the correctional
12 facilities receive the supports and services necessary to meaningfully
13 prepare for their release while still incarcerated, assist individuals
14 to reintegrate into the community upon release and reduce recidivism.
15 Such pilot program shall be conducted in three correctional facilities,
16 one female and two male facilities, selected by the department, taking
17 into consideration adequate geographic distribution within the state as
18 well as availability of sufficient links to supports and services
19 required by this section. For purposes of this pilot program, there
20 shall be at least one hundred incarcerated individuals who on a volun-
21 tary basis request placement in the pilot program up to one year before
22 their earliest expected release date. In the event the individual is not
23 granted parole, his or her application will be placed on hold status to
24 be re-activated and given a priority rank once such individual is grant-
25 ed parole and an official release date is known. This special status
26 will be defined by process completion of the application by the respec-
27 tive district office within thirty days of receiving the official
28 release date. Upon admission to the program, each incarcerated individ-
29 ual shall receive an in-depth screening and assessment to determine
30 their specific needs as relating to, including but not limited to,
31 mental health and substance use disorder services, educational needs and
32 job readiness. In addition to an in-depth screening and assessment,
33 participants in the pilot program shall also be linked with not-for-pro-
34 fit organizations and peer to peer engagement opportunities to assist
35 with the individual's reintegration planning. This shall occur no less
36 than six months prior to their expected release date and shall consist
37 of, but not be limited to, assistance applying for public benefits,
38 referrals and links to mental health and/or substance use disorder
39 service providers if applicable, connections to employment opportunities
40 as well as job training programs if appropriate, assistance finding
41 available stable housing options to be available upon release and gener-
42 al supports and services that may be helpful for an individual reinte-
43 grating back into the community. In the event the individual is not
44 granted parole, his or her application will be placed on hold status to
45 be re-activated and given a priority rank once such individual is grant-
46 ed parole and an official release date is known. This special status
47 will be defined by process completion of the application by the respec-
48 tive district office within thirty days of receiving the official
49 release date.

50 2. Upon release from the correctional facility, individuals will
51 continue to receive supports and services, as needed, for an additional
52 six months, to ensure the individual's successful reintegration into the
53 community. Such services shall include, but not be limited to, connect-
54 ing individuals to health and behavioral health services, as appropri-
55 ate, assistance ensuring compliance with any parole or court mandated
56 activities, connections to employment opportunities based on their

1 skills identified while incarcerated and assistance acquiring stable
2 affordable housing. The collaborating agencies shall contract with not-
3 for-profit providers to effectuate the requirements specified in this
4 section.

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

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

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

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