STATE OF NEW YORK

9115

IN ASSEMBLY

February 7, 2024

Introduced by M. of A. GIBBS, BICHOTTE HERMELYN, TAYLOR -- read once and referred to the Committee on Correction

AN ACT to amend the correction law and the state finance law, in relation to providing for money upon release for certain incarcerated individuals; and making an appropriation therefor

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

Section 1. The correction law is amended by adding a new section 12 to read as follows:

§ 12. Gate money program. 1. As used in this section, the following terms shall have the following meanings:

(a) "Program" means the gate money program established pursuant to subdivision two of this section.

(b) "Eligible incarcerated individual" means an incarcerated individual who is released from a state correctional facility after serving a minimum of six months who has not previously received money from the program.

2. The commissioner shall develop a gate money program that provides for eligible incarcerated individuals to receive a monthly stipend upon release from a state correctional facility.

3. (a) Stipends paid to an eligible incarcerated individual pursuant to the program shall be no less than four hundred twenty-five dollars per month for a period of up to six months. The maximum aggregate amount any individual shall receive from the program is two thousand five hundred fifty dollars.

(b) The dollar amounts in paragraph (a) of this subdivision shall be adjusted annually for inflation as determined from the increase in the consumer price index in the one year period ending on the March thirty-first prior to the cost-of-living adjustment effective on the ensuing September first.

4. (a) The initial payment of a program stipend shall be made immediately upon release of the eligible incarcerated individual in the form of cash or a check. Such program stipend shall be in addition to any other funds to be paid or returned to such individual.

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

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(b) Subsequent program stipend payments shall be made on the first of each month by the community supervision agency responsible for such individual.

5. The provisions of this section shall not apply to an incarcerated individual who is released to the custody of another state or the federal government.

6. Stipend payments paid pursuant to the provisions of this section shall not be taken into consideration when determining eligibility or calculating the amount of benefits for any public assistance program.

7. The department shall collect data on the number of incarcerated individuals participating in the program and issue a report on such data to the governor, the temporary president of the senate and the speaker of the assembly annually.

8. The commissioner shall promulgate any rules and regulations necessary for the implementation of this section.

§ 2. The state finance law is amended by adding a new section 99-rr to read as follows:

§ 99-rr. Gate money fund. 1. A special fund to be known as the "gate money fund" is hereby established in the custody of the state comptroller and the commissioner of taxation and finance.

2. The fund shall consist of all monies appropriated, credited, or transferred to such fund pursuant to law, all monies required by any provision of law to be paid into or credited to the fund and any interest earnings which may accrue from the investment of monies in the fund. Nothing contained in this section shall prevent the state from receiving grants, gifts or bequests for the purposes of the fund as defined in this section and depositing them in the fund according to law.

3. Monies of the fund, when allocated, shall be available to the department of corrections and community supervision to provide stipends pursuant to the provisions of section twelve of the correction law.

4. Monies shall be payable from the fund on the audit and warrant of the comptroller on vouchers approved and certified by the commissioner of corrections and community supervision.

§ 3. The sum of twenty-five million dollars ($25,000,000) is hereby appropriated from any moneys in the state treasury in the general fund to the credit of the gate money fund established pursuant to section 99-rr of the state finance law in carrying out the provisions of this act. Such sum shall be payable on the audit and warrant of the state comptroller on vouchers certified or approved in the manner provided by law.

§ 4. This act shall take effect on the one hundred eightieth day after 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.