

STATE OF NEW YORK

207

2023-2024 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sens. CLEARE, BRISPORT -- 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 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:

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

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(iv) is a resident of the state and is either a citizen of the United States or is not a noncitizen who is or would be ineligible for federal supplemental security income benefits solely by reason of noncitizen status. Provided however, an individual incarcerated in a state or local correctional facility, with the intention of residing in the state of New York 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 bene-

fits 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 appropri-

1 ate, assistance ensuring compliance with any parole or court mandated
2 activities, connections to employment opportunities based on their
3 skills identified while incarcerated and assistance acquiring stable
4 affordable housing. The collaborating agencies shall contract with not-
5 for-profit providers to effectuate the requirements specified in this
6 section.

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

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

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

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