

STATE OF NEW YORK

5092

2023-2024 Regular Sessions

IN SENATE

February 22, 2023

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the correction law and the executive law, in relation to providing for the return of any identification materials to an individual upon release from custody

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

1 Section 1. Subdivision 1 of section 125 of the correction law, as
2 amended by chapter 322 of the laws of 2021, is amended to read as
3 follows:

4 1. The superintendent, or an employee covered by bond who is desig-
5 nated by the superintendent, of each correctional facility shall take
6 charge of all moneys and other articles which may be brought to the
7 facility by the incarcerated individuals, including but not limited to
8 any identification, and shall cause the same, immediately upon the
9 receipt thereof, to be entered among the receipts of the facility; which
10 money and other articles, including but not limited to any identifica-
11 tion materials, whenever the incarcerated individual from whom the same
12 was received shall be discharged from the custody of the department, or
13 the same shall be otherwise legally demanded, shall be returned by the
14 said superintendent to such incarcerated individual or other person
15 legally entitled to the same, and vouchers shall be taken therefor. The
16 commissioner shall promulgate rules and regulations concerning the
17 custody and transfer of such money and other articles, including but not
18 limited to any identification materials in cases where incarcerated
19 individuals are transferred from one facility to another.

20 § 2. The executive law is amended by adding a new section 837-x to
21 read as follows:

22 § 837-x. Return of identification materials. 1. The member of a police
23 department, county sheriff's office, the state police or other law

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

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1 enforcement officer designated to release an individual from custody
2 shall return to such individual any identification materials such indi-
3 vidual was in possession of when taken into custody.

4 2. As used in this section, the term "law enforcement officer" means
5 any public servant who is authorized to conduct an investigation, prose-
6 cute or make an arrest for a criminal offense.

7 § 3. This act shall take effect immediately.