

STATE OF NEW YORK

2362

2023-2024 Regular Sessions

IN ASSEMBLY

January 25, 2023

Introduced by M. of A. WEPRIN -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to prohibiting charging a fee to obtain a certified copy or certified transcript of birth when the department of corrections and community supervision or a local correctional facility requests such for an individual under community supervision

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

1 Section 1. Subdivision 4 of section 4174 of the public health law, as
2 amended by section 2 of part E of chapter 55 of the laws of 2022, is
3 amended to read as follows:

4 4. No fee shall be charged for a search, certification, certificate,
5 certified copy or certified transcript of a record to be used for school
6 entrance, employment certificate or for purposes of public relief or
7 when required by the veterans administration to be used in determining
8 the eligibility of any person to participate in the benefits made avail-
9 able by the veterans administration or when required by a board of
10 elections for the purposes of determining voter eligibility or when
11 requested by the department of corrections and community supervision or
12 a local correctional facility as defined in subdivision sixteen of
13 section two of the correction law for the purpose of providing a certi-
14 fied copy or certified transcript of birth to an incarcerated individual
15 in anticipation of such incarcerated individual's release from custody
16 or to an individual under community supervision in connection with his
17 or her ongoing supervision in the community or to obtain a death certifi-
18 cate to be used for administrative purposes for an incarcerated indi-
19 vidual who has died under custody or when requested by the office of
20 children and family services or an authorized agency for the purpose of
21 providing a certified copy or certified transcript of birth to a youth
22 placed in the care and custody or custody and guardianship of the local

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

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1 commissioner of social services or the care and custody or custody and
2 guardianship of the office of children and family services in antic-
3 ipation of such youth's discharge from placement or foster care. Whenev-
4 er a request is made by the department of corrections and community
5 supervision for a certified copy or certified transcript of birth on
6 behalf of an incarcerated individual pursuant to this section, a certi-
7 fied copy of the sentence and commitment or certificate of conviction
8 shall be deemed to grant authorization by the incarcerated individual to
9 the department to submit such request on their behalf, and no other
10 authorization shall be required.

11 § 2. Section 4179 of the public health law, as amended by section 3 of
12 part E of chapter 55 of the laws of 2022, is amended to read as follows:

13 § 4179. Vital records; fees; city of New York. Notwithstanding the
14 provisions of paragraph one of subdivision a of section 207.13 of the
15 health code of the city of New York, the department of health shall
16 charge, and the applicant shall pay, for a search of two consecutive
17 calendar years under one name and the issuance of a certificate of
18 birth, death or termination of pregnancy, or a certification of birth or
19 death, or a certification that the record cannot be found, a fee of
20 fifteen dollars for each copy. Provided, however, that no such fee shall
21 be charged when the department of corrections and community supervision
22 or a local correctional facility as defined in subdivision sixteen of
23 section two of the correction law requests a certificate of birth or
24 certification of birth for the purpose of providing such certificate of
25 birth or certification of birth to an incarcerated individual in antic-
26 ipation of such incarcerated individual's release from custody or to an
27 individual under community supervision in connection with his or her
28 ongoing supervision in the community or to obtain a death certificate to
29 be used for administrative purposes for an incarcerated individual who
30 has died under custody or when the office of children and family
31 services or an authorized agency requests a certified copy or certified
32 transcript of birth for a youth placed in the custody of the local
33 commissioner of social services or the custody of the office of children
34 and family services pursuant to article three of the family court act
35 for the purpose of providing such certified copy or certified transcript
36 of birth to such youth in anticipation of discharge from placement.
37 Whenever a request is made by the department of corrections and communi-
38 ty supervision for a certified copy or certified transcript of birth on
39 behalf of an incarcerated individual pursuant to this section, a certi-
40 fied copy of the sentence and commitment or certificate of conviction
41 shall be deemed to grant authorization by the incarcerated individual to
42 the department to submit such request on their behalf, and no other
43 authorization shall be required.

44 § 3. This act shall take effect immediately.