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:

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

1. The superintendent, or an employee covered by bond who is designated by the superintendent, of each correctional facility shall take charge of all moneys and other articles which may be brought to the facility by the incarcerated individuals**, including but not limited to any identification**, and shall cause the same, immediately upon the receipt thereof, to be entered among the receipts of the facility; which money and other articles**, including but not limited to any identification materials**, whenever the incarcerated individual from whom the same was received shall be discharged from the custody of the department, or the same shall be otherwise legally demanded, shall be returned by the said superintendent to such incarcerated individual or other person legally entitled to the same, and vouchers shall be taken therefor. The commissioner shall promulgate rules and regulations concerning the custody and transfer of such money and other articles**, including but not limited to any identification materials** in cases where incarcerated individuals are transferred from one facility to another.

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

§ 837-x. Return of identification materials. 1. The member of a police 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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enforcement officer designated to release an individual from custody shall return to such individual any identification materials such individual was in possession of when taken into custody.

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

§ 3. This act shall take effect immediately.