

STATE OF NEW YORK

5264

2023-2024 Regular Sessions

IN SENATE

March 1, 2023

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

AN ACT to create a temporary state commission to study and investigate issues affecting reentry of incarcerated individuals released from correctional facilities; making an appropriation therefor; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. A temporary state commission, to be known as the New York
2 state criminal justice commission on reentry (hereinafter "commission"),
3 is hereby created to study issues, including relevant statutes, regu-
4 lations and existing programs involving reentry and re-integration of
5 incarcerated individuals released from state and local correctional
6 facilities. The commission shall investigate all factors that impede
7 successful re-integration into society and obviate the concept of a
8 second chance. The commission shall analyze the impact of existing
9 policies on successful reentry, identify specific obstacles to re-inte-
10 gration and compare policies of this state to those of other states and
11 the federal government. The commission shall collect data from state and
12 federal agencies and may analyze any current research deemed relevant
13 and appropriate.

14 § 2. a. The commission shall consist of eighteen members as follows:
15 three members shall be appointed by the speaker of the assembly; three
16 members shall be appointed by the temporary president of the senate; two
17 members shall be appointed by the minority leader of the senate; and two
18 members shall be appointed by the minority leader of the assembly.
19 Members so appointed shall be representative of community based provid-
20 ers of employment, education, housing and other services needed by indi-
21 viduals returning to society from prison, criminal justice advocates,
22 and academic professionals in the field of criminal justice. The remain-
23 ing members shall be the heads of the following departments or agencies

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

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1 or their respective designees: the department of corrections and commu-
2 nity supervision, the department of criminal justice services, the divi-
3 sion of housing and community renewal, the department of labor, the
4 department of education, the office of alcoholism and substance abuse
5 services, the office of probation and correctional alternatives and the
6 division of parole. No person shall be a member of such commission while
7 such person is a member of the senate or assembly. Any vacancy on such
8 commission shall be filled in the same manner as the original appoint-
9 ment was made. The chairperson of the commission shall be the head or
10 designee of the division of criminal justice services. The vice-chair-
11 person of the commission shall be a representative of one of the commu-
12 nity-based organizations and appointed by the chairperson.

13 b. Except as provided in subdivision a of this section, no member,
14 officer or employee of the commission shall be disqualified from holding
15 any other public office or employment, nor shall he or she forfeit any
16 such office or employment by reason of his or her appointment hereunder,
17 notwithstanding the provisions of any general, special or local law,
18 ordinance or city charter.

19 § 3. The members of the commission shall receive no compensation for
20 their services, but shall be allowed their actual and necessary expenses
21 incurred in the performance of their duties hereunder.

22 § 4. The commission may employ and at pleasure remove such personnel
23 as it may deem necessary for the performance of its functions and fix
24 their compensation within the amounts made available by appropriation
25 therefor.

26 § 5. For the accomplishment of its purposes, the commission shall be
27 authorized and empowered to undertake any studies, inquiries, surveys or
28 analyses it may deem relevant through its own personnel or in cooper-
29 ation with or by agreement with any other public or private agency. Such
30 commission shall meet and hold public hearings or private meetings with-
31 in or without the state, and shall have all the powers of a legislative
32 committee pursuant to the legislative law.

33 § 6. The commission may request and shall receive from any court in
34 the state and from any subdivision, department, board, bureau, commis-
35 sion, office, agency or other instrumentality of the state or of any
36 political subdivision thereof such facilities, assistance and data as it
37 deems necessary or desirable for the proper execution of its powers and
38 duties and to effectuate the purposes set forth in this act.

39 § 7. The commission shall make a report of its findings, including any
40 recommendations for legislative action as it may deem necessary and
41 appropriate, to the governor and the legislature no later than the thir-
42 ty-first of December in the year next succeeding the year in which this
43 act shall have become a law.

44 § 8. The sum of two hundred fifty thousand dollars (\$250,000) or so
45 much thereof as may be deemed necessary is hereby appropriated out of
46 any moneys in the state treasury in the general fund to the credit of
47 the state purposes account for services and expenses of the state crimi-
48 nal justice commission on reentry, not otherwise appropriated, and made
49 immediately available for the purposes of carrying out the provisions of
50 this act. Such moneys shall be payable on the audit and warrant of the
51 comptroller on vouchers certified or approved by the chair of the tempo-
52 rary commission established by this act.

53 § 9. This act shall take effect immediately and shall expire the thir-
54 ty-first of December next succeeding the year in which it shall have
55 become a law when upon such date the provisions of this act shall be
56 deemed repealed.