



Legislation Details (With Text)

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Int. No. 1768

By Council Member Barron

A Local Law to amend the New York city charter, in relation to social services for the wrongfully convicted

Be it enacted by the Council as follows:

Section 1. Section 13 of the New York city charter, as amended by local law number 86 for the year 2015, is amended to read as follows:

§ 13. Office of Criminal Justice. a. Definitions. For purposes of this section, the following terms have the following meanings:

Immediate family member. The term “immediate family member” means a spouse, domestic partner, biological or adoptive parent, step-parent, legal guardian, biological or adopted child, child of a domestic partner or step-child of a wrongfully convicted individual.

Wrongfully convicted individual. The term “wrongfully convicted individual” means an individual who has been convicted of one or more felonies or misdemeanors and has served any part of a sentence of criminal

imprisonment, and (i) who has been pardoned upon the ground of innocence of the crime or crimes for which the individual was sentenced or (ii) the individual's judgment of conviction was reversed or vacated and the accusatory instrument dismissed or, if a new trial was ordered, either the individual was found not guilty at the new trial or the individual was not retried and the accusatory instrument dismissed. Such judgement of conviction must have been reversed or vacated and the accusatory instrument dismissed on one of the following grounds:

(1) Paragraph (b), (c), (e), (g) or (g-1) of subdivision 1 of section 440.10 of the criminal procedure law;

or

(2) Subdivision 1 (where based upon one of the provisions of section 440.10 of the criminal procedure law as set forth in this definition), 2, 3 (where the count dismissed was the sole basis for imprisonment) or 5 of section 470.20 of the criminal procedure law.

b. There is established in the executive office of the mayor an office of criminal justice, to be headed by a coordinator of criminal justice appointed by the mayor. The coordinator shall:

[(1) advise] 1. Advise and assist the mayor in planning for increased coordination and cooperation among agencies under the jurisdiction of the mayor that are involved in criminal justice programs and activities;

[(2) review] 2. Review the budget requests of all agencies for programs related to criminal justice and recommend to the mayor budget priorities among such programs; [and,]

3. Coordinate with relevant city agencies to promote the availability of social services for wrongfully convicted individuals and immediate family members, including but not limited to housing, medical care, health insurance, mental health counseling, drug addiction screening and treatment, employment, job training, education, personal finances, public benefits, immigration and legal services to seek compensation for wrongful conviction and imprisonment;

4. Work with the municipal division of transitional services to develop methods to improve the

coordination of social services for wrongfully convicted individuals and immediate family members;

5. Provide outreach and education on the availability of social services for wrongfully convicted individuals and immediate family members; and

6. Perform [perform] such other duties as the mayor may assign.

c. No later than April 1, 2018, and by April 1 of every year thereafter, the coordinator shall prepare and submit to the mayor and the speaker of the council a report regarding the coordinator's progress regarding the availability and coordination of social services for wrongfully convicted individuals and immediate family members. Such report shall include, but need not be limited to:

1. An assessment of the type and frequency of social services needed by wrongfully convicted individuals and immediate family members;

2. An assessment of the availability and capacity of existing social services available for wrongfully convicted individuals and immediate family members; and

3. Recommendations for improving the availability and coordination of social services for wrongfully convicted individuals and immediate family members.

§ 2. This local law takes effect immediately.

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