



Legislation Text

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Int. No. 548

By the Public Advocate (Mr. Williams) and Council Members Cabán, Hanif, Brewer, Gutiérrez, Hudson, Restler, Won, Sanchez, De La Rosa, Brooks-Powers, Stevens and Narcisse

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to assist incarcerated individuals in obtaining school transcripts, social security cards and driver licenses

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 9-128 of the administrative code of the city of New York, as added by local law 64 of 2007, is amended to read as follows:

c. Notwithstanding any other provision of law, any person in custody of the department born in the city of New York [and sentenced to ninety days or more in a New York city correctional facility who will serve, after sentencing, thirty days or more in a New York city correctional facility,] shall be provided by the department before or at release, or within two weeks thereafter if extenuating circumstances exist, at no cost to such person, a certified copy of [his or her] their birth certificate to be used for any lawful purpose; provided that such person has requested a copy of [his or her] their birth certificate from the department at least two weeks prior to release. Upon such request, the department shall request such certificate from the department of health and mental hygiene in a form and manner approved by the commissioner of the department of health and mental hygiene. The department shall inform such person of [his or her] their ability to receive such certificate pursuant to the provisions of this subdivision within three days of [his or her] their admission to a sentencing facility. No person shall receive more than one birth certificate pursuant to this subdivision without charge [pursuant to this subdivision].

§ 2. Section 9-128 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

d. The department shall, upon request, assist all incarcerated individuals in acquiring their social security card, driver license and transcripts from elementary school, middle school, high school, college or any other school. If such documents are available to obtain through online or mail application, the department shall ensure that incarcerated individuals can obtain such documents at no cost.

§ 3. Section 9-129 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-129 Reporting. [The commissioner of correction shall submit a report to the mayor and the council, by October first of each year regarding implementation of sections 9-127 and 9-128 of this title and other discharge planning efforts, and, beginning October first, two thousand eight and annually thereafter,] No later than October 1, 2008, and annually thereafter, the commissioner of correction shall submit to the mayor, the public advocate and the speaker of the council and shall post conspicuously on the department's website an annual report regarding recidivism among incarcerated individuals receiving discharge planning services from the department of correction or any social services organization under contract with the department of correction. Such report shall include the following:

1. The number of birth certificates requested, disaggregated by whether such birth certificates were received;

2. The number of school transcripts requested, disaggregated by whether the transcripts were for elementary school, middle school, high school, college, or another school and further disaggregated by whether or not such transcripts were received;

3. The number of driver licenses requested, disaggregated by whether or not they were received; and

4. The number of social security cards requested, disaggregated by whether or not they were received.

§ 4. Subdivision a of section 9-139 of the administrative code of the city of New York, as amended by local law 194 for the year 2019, is amended to read as follows:

a. The department shall inform every incarcerated individual upon admission to the custody of the department, in writing, using plain and simple language, of their rights under department policy, which shall be consistent with federal, state[,] and local laws, and board of correction minimum standards, on the following topics: non-discriminatory treatment, personal hygiene, recreation, religion, attorney visits, access to legal reference materials, the ability to request documents pursuant to subdivisions c and d of section 9-128, visitation, telephone calls and other correspondence, media access, due process in any disciplinary proceedings, health services, safety from violence[,] and the grievance system.

§ 5. Subdivisions g and h of section 9-139 of the administrative code of the city of New York, as added by local law 194 for the year 2019 are redesignated subdivisions i and j of such section.

§ 6. This local law takes effect 60 days after it becomes law.

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