



Legislation Details (With Text)

**File #:** Int 0903-2018 **Version:** A **Name:** Funds remaining in commissary accounts when incarcerated individuals are released from custody.

**Type:** Introduction **Status:** Enacted  
**In control:** Committee on Criminal Justice

**On agenda:** 5/9/2018

**Enactment date:** 12/24/2021 **Enactment #:** 2021/160

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to funds remaining in commissary accounts when incarcerated individuals are released from custody

**Sponsors:** Adrienne E. Adams, I. Daneek Miller, Robert F. Holden, Alicka Ampry-Samuel, Keith Powers, Deborah L. Rose, Carlina Rivera, Helen K. Rosenthal, Farah N. Louis, Kalman Yeger, Selvena N. Brooks-Powers, Justin L. Brannan, Eric Dinowitz, Darma V. Diaz, Laurie A. Cumbo, Margaret S. Chin, (by request of the Queens Borough President)

**Indexes:** Report Required

**Attachments:** 1. Summary of Int. No. 903-A, 2. Summary of Int. No. 903, 3. Int. No. 903, 4. May 9, 2018 - Stated Meeting Agenda with Links to Files, 5. Hearing Transcript - Stated Meeting 5/9/18, 6. Minutes of the Stated Meeting - May 9, 2018, 7. Committee Report 6/17/19, 8. Hearing Testimony 6/17/19, 9. Hearing Transcript 6/17/19, 10. Proposed Int. No. 903-A - 11/16/21, 11. Committee Report 11/22/21, 12. Hearing Transcript 11/22/21, 13. Committee Report - Stated Meeting, 14. November 23, 2021 - Stated Meeting Agenda with Links to Files, 15. Hearing Transcript - Stated Meeting 11-23-21, 16. Int. No. 903-A (FINAL), 17. Fiscal Impact Statement, 18. Legislative Documents - Letter to the Mayor, 19. Local Law 160, 20. Minutes of the Stated Meeting - November 23, 2021

Date	Ver.	Action By	Action	Result
5/9/2018	*	City Council	Introduced by Council	
5/9/2018	*	City Council	Referred to Comm by Council	
6/17/2019	*	Committee on Criminal Justice	Hearing Held by Committee	
6/17/2019	*	Committee on Criminal Justice	Laid Over by Committee	
6/17/2019	*	Committee on Justice System	Hearing Held by Committee	
6/17/2019	*	Committee on Justice System	Laid Over by Committee	
6/17/2019	*	Committee on Mental Health, Disabilities and Addiction	Hearing Held by Committee	
6/17/2019	*	Committee on Mental Health, Disabilities and Addiction	Laid Over by Committee	
11/22/2021	*	Committee on Criminal Justice	Hearing Held by Committee	
11/22/2021	*	Committee on Criminal Justice	Amendment Proposed by Comm	
11/22/2021	*	Committee on Criminal Justice	Amended by Committee	
11/22/2021	A	Committee on Criminal Justice	Approved by Committee	Pass
11/23/2021	A	City Council	Approved by Council	Pass
11/23/2021	A	City Council	Sent to Mayor by Council	
12/23/2021	A	City Council	Returned Unsigned by Mayor	
12/24/2021	A	Administration	City Charter Rule Adopted	

Int. No. 903-A

By Council Members Adams, Miller, Holden, Ampry-Samuel, Powers, Rose, Rivera, Rosenthal, Louis, Yeger, Brooks-Powers, Brannan, Dinowitz, D. Diaz, Cumbo and Chin (by request of the Queens Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to funds remaining in commissary accounts when incarcerated individuals are released from custody

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-162 to read as follows:

§ 9-162 Commissary accounts of incarcerated individuals. a. When an incarcerated individual is released from custody in a departmental facility, the department shall, as part of the discharge process, assist the individual in receiving unused commissary funds. Such assistance shall be given in a language the incarcerated individual can understand and shall include but not be limited to providing such individual, orally and in writing, information on the amount of commissary funds remaining in their account, how to obtain such funds and the locations at which they can immediately receive up to \$200 in cash of such funds. For the purposes of this section, the term “commissary funds” has the same meaning as the term “prisoner funds” set forth in subdivision f of section 500-c of the correction law and in section 7016.2 of title 9 of the New York code of rules and regulations, or any successor provisions of such law or rules.

b. Immediately upon request from a formerly incarcerated individual at a location at which commissary funds are made available, the department shall return up to \$200 of such funds in cash, and any funds to which such individual is entitled that exceed \$200 shall be distributed by check and sent by mail if all necessary information, including a name and mailing address, is provided by such individual. The department shall also make such checks available to be retrieved by the formerly incarcerated individual in person at the cashier window within three business days of receiving a request from a formerly incarcerated individual. Such formerly incarcerated individual will have 90 days to retrieve such check in person. If such individual does not pick up the check within 90 days, the individual may request a new check to be issued. The department shall

attempt to contact the formerly incarcerated individual if such individual does not pick up the check within 90 days and notify such individual that they may request a new check to be issued. Such individual must pick up the new check within 90 days.

c. No formerly incarcerated individual receiving unused commissary funds shall pay any fee in connection with the procedures established in accordance with this section for receiving such funds.

d. No later than December 1, 2022, the department shall establish a plan, upon consultation with the agency or agencies designated by the mayor, for raising awareness regarding the procedures by which formerly incarcerated individuals can obtain commissary funds and for retrieving information necessary to return such funds to such individuals. The department shall make reasonable efforts to return unused commissary funds to their rightful owners.

e. No later than May 31, 2023 and by May 31 of each subsequent year thereafter, the department shall report to the council and post permanently on its website a report of the aggregate amount of commissary funds remaining in the accounts of all individuals who are no longer in the custody of the department, the number of such accounts and efforts made in each year to return any unclaimed funds during the reporting period.

§ 2. This local law takes effect 180 days after it becomes law.

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