



Legislation Text

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Int. No. 1826

By Council Members Ampry-Samuel and Cabán

A Local Law to amend the New York city charter, in relation to mandating a citywide audit of collateral consequences for drug arrests and convictions

Be it enacted by the Council as follows:

Section 1. Paragraphs 4 and 5 of subdivision c of section 20-c of the New York city charter, as amended by local law number 129 for the year 2018, is amended and a new paragraph 6 is added to read as follows:

4. Make recommendations to the head of the designated agency regarding the implementation of city-wide goals and objectives related to the risks associated with illicit and non-medical drug use; [and]

5. Hold at least four meetings each fiscal year, at least one of which shall be open to the general public for input and comments; and [.]

6. Make recommendations to the mayor regarding the collateral consequences of drug related arrest or conviction, within 6 months of the release of the first report issued pursuant to subdivision d of this section and at any time thereafter at the discretion of such council. For the purposes of this section, the term “collateral consequences of a drug related arrest or conviction” means any adverse action a city agency imposes on its employees or recipients of agency services for having a drug-related conviction, arrest, or for testing positive for a controlled substance as defined under section 3306 of the public health law. Such report shall include policy recommendations to ensure that each agency develops effective and proportionate responses to drug use aimed at reducing harm.

§ 2. Section 20-c of the New York city charter is amended by adding a new subdivision d to read as

follows:

d. No later than January 1, 2021, and no later than every January 1 thereafter, the designated agency shall audit all city agencies on their policies regarding the collateral consequences of a drug related arrest or conviction. Such agency shall issue a report within 60 days of the beginning of each calendar year on such policies, which shall include:

1. A description of any agency-wide policies regarding the collateral consequences of a drug related arrest or conviction;

2. Whether the agency conducts drug tests, and under what circumstance and with what degree of frequency such tests are conducted;

3. A description of agency responses to findings of drug use or to discovery of drug convictions or arrests;

4. An overview of each city agency's efforts to collaborate with existing substance use, medical, and mental health services, including community-based harm reduction programs, licensed substance use disorder treatment programs, healthcare providers, formalized recovery support programs, youth prevention programs, drug policy reform programs and community-based criminal justice programs to develop and foster effective responses to illicit and non-medical drug use in the city; and

5. A report of each incident in which the agency imposed a collateral consequence, including the gender, race, ethnicity, and borough of residence of the affected individual; whether the affected individual is an employee of the agency or a recipient of the agency's services; and the specific collateral consequence imposed.

§ 3. This local law takes effect immediately, and shall expire and be deemed repealed on the same date local law number 48 for the year 2017 expires and is deemed repealed.

AS
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