



Legislation Text

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Proposed Int. No. 1881-A

By The Public Advocate (Mr. Williams) and Council Members Louis, Gibson and Powers

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's licenses upon request, and to report on the issuance of such items

Be it enacted by the Council as follows:

Section 1. Section 9-128 of the administrative code of the city of New York, as added by local law 121 of 2016, is amended to read as follows:

§ 9-128. Applications for government benefits. a. The department of correction shall make applications for government benefits available to [inmates] incarcerated individuals by providing such applications in areas accessible to [inmates] incarcerated individuals in city correctional institutions.

b. The department of correction shall provide assistance with the preparation of applications for government benefits and identification to sentenced [inmates] incarcerated individuals who will serve, after sentencing, thirty days or more in any city correctional institution and who receive discharge planning services from the department of correction or any social services organization under contract with the department of correction, and, in its discretion, to any other [inmate] incarcerated individual who may benefit from such assistance.

c. Notwithstanding any other provision of law, any incarcerated person 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 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 ability to receive such certificate pursuant to the provisions of this subdivision within three days of his or her admission to a sentencing facility. No person shall receive more than one birth certificate without charge pursuant to this subdivision.

e. The department shall assist all incarcerated individuals in acquiring high school, elementary school, middle school, college, other school transcripts, social security cards, and driver's licenses if available to obtain through online or mail application upon request, and shall ensure that incarcerated individuals can obtain such items at no cost.

§ 2. Section 9-129 of the administrative code of the city of New York, as added by local law 121 of 2016, is amended to read as follows:

§ 9-129. Reporting. The commissioner of correction shall submit a report to the mayor, the public advocate, [and] the council, and publicly on its website 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, regarding recidivism among [inmates] 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 by incarcerated individuals, disaggregated by whether such birth certificates were received;

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

were received.

3. The number of driver's 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.

§ 3. Section 9-139 of the administrative code of the city of New York, as added by local law 91 of 2015, is amended to read as follows:

a. The department shall inform every [inmate] 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, visitation, telephone calls and other correspondence, media access, due process in any disciplinary proceedings, health services, safety from violence, and the grievance system.

b. The department shall inform every [inmate] incarcerated individual upon admission to the custody of the department, in writing, using plain and simple language, of their responsibilities under the department's rules governing [inmate] conduct.

c. The department shall inform every [inmate] incarcerated individual upon admission to the custody of the department, in writing, using plain and simple language, of available services relating to education, vocational development, drug and alcohol treatment and counseling, and mental health treatment and counseling services.

d. The department shall publish on its website any documents created pursuant to this section. Such documents shall be available in English and Spanish.

e. Within 24 hours of admission to the custody of the department, the department shall provide to each [inmate] incarcerated individual an oral summary of the rights and responsibilities enumerated in subdivisions a, b, and c of this section in the [inmate's] incarcerated individual's preferred language, if the

language is accessible through the city's language access plan. The department shall make a good faith effort to provide an oral summary in languages that are not accessible through the city's language access plan as soon as practicable.

f. Upon admission to the custody of the department, each [inmate] incarcerated individual shall also be offered the option of being provided the Connections guidebook for formerly incarcerated people, or any similar or successor book or handbook that describes resources available to those re-entering society after being incarcerated.

g. Upon admission to the custody of the department of correction, each incarcerated individual shall be informed of their right to receive assistance in acquiring high school, elementary school, middle school, college, other school transcripts, driver's licenses and social security cards, and to receive such items at no cost.

§ 4 This local law takes effect immediately.

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