



## Legislation Text

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### Res. No. 219

Resolution calling on the New York State Senate to pass S.2244 and the New York State Assembly to pass companion bill A.9989, which would create a rehabilitation program of civic service, education, and job training to assist non-violent felony offenders reintegrate successfully into society.

By Council Members Chin, Comrie, Dickens, Dromm, Fidler, Koppell, Lander, Mark-Viverito, Mendez, Rodriguez, Vann and Williams

Whereas, According to the United States Department of Justice, in 2008, over 2.3 million people were incarcerated in federal or state prisons or in local jails; and

Whereas, Nearly 650,000 people are released annually from incarceration to communities nationwide; and

Whereas, Studies show that between fifteen percent and twenty-seven percent of prisoners expect to go to homeless shelters upon release from prison; and

Whereas, Nearly two-thirds of all prisoners released from state prisons are likely to be rearrested for a felony or serious misdemeanor within three years after release; and

Whereas, Increased recidivism has profound collateral consequences, including public health risks, homelessness, unemployment, and disenfranchisement; and

Whereas, Participation in state correctional education programs lowers the likelihood of reincarceration by twenty-nine percent according to a United States Department of Education study; and

Whereas, A significant number of people under correctional control have committed a nonviolent felony offense; and

Whereas, Nonviolent felony offenders who complete their prison sentences or terms of probation or parole often find it difficult to reintegrate successfully into society because their records prevent them from

securing employment and providing for their families; and

Whereas, S.2244, currently pending in the New York State Senate, and companion bill A.9989, currently pending in the New York State Assembly, seek to reintegrate certain ex-offenders into society who have demonstrated the ability to live within the law; and

Whereas, S.2244/A.9989 seek to remove the stigma associated with a criminal conviction by permitting any eligible person, provided at least five years have passed since his or her completion of any sentence resulting from a conviction, and provided that certain specified programmatic criteria are met, to apply to have all records relating to a covered prosecution or conviction sealed; and

Whereas, Such an application for a sealed record must be made to the Second Chance Commission, to be comprised of individuals appointed by the Governor, Temporary President of the Senate, Speaker of the Assembly, and the New York District Attorney's Association; and

Whereas, Such sealed conviction, according to the terms of S.2244/A.9989, will not disqualify such person from engaging in any occupation, profession or calling and will permit an individual to answer "no" to the question of whether he or she has ever been convicted of a felony or misdemeanor; and

Whereas, S.2244/A.9989 seek to establish "The Second Chance Program", which intends to give individuals who have been convicted of a nonviolent felony or misdemeanor an opportunity to rebuild their lives without the stigma of a public criminal record; and

Whereas, Individuals seeking to have their records sealed shall have complied with the Second Chance Program, which includes at least one year of public service, the attainment of a GED or high-school diploma, and, where deemed necessary, the successful completion of an alcohol or substance treatment program; and

Whereas, Such a sealing of a criminal record would assist in securing employment and thus help

graduates of the Second Chance Program to provide for a family as productive citizens of society; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Senate to pass S.2244 and the New York State Assembly to pass companion bill A.9989, which would create a rehabilitation program of civic service, education, and job training to assist non-violent felony offenders reintegrate successfully into society.

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