

NEW YORK REENTRY ROUNDTABLE
ADDRESSING THE ISSUES FACED BY THE
FORMERLY INCARCERATED AS THEY RE-ENTER THE COMMUNITY

Reentry-Related Legislative Proposals - 2009

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INTRODUCTION

The New York Reentry Roundtable was convened in 2006 by the Community Service Society of New York (CSS), and now represents dozens of participating organizations (see attached). The Roundtable grew out of recognition of the challenges facing residents of New York State who return to their families and communities after incarceration, be that a few months in county jail or decades in an upstate prison. Most striking is the concentration of this population in a handful of neighborhoods in each city statewide. Led by CSS, The Fortune Society’s David Rothenberg Center for Public Policy, and The Bronx Defenders, the Roundtable has organized two successful Reentry Advocacy Days in 2007 and 2008. Advocacy Day provides an opportunity for formerly incarcerated people, family members, service providers and allies to challenge systemic barriers to civic participation and economic opportunity faced by people with conviction histories.

Each year, the Roundtable chooses a few issues on which to focus our lobbying efforts on Advocacy Day. In addition, the Roundtable endorses a broad platform for reform of New York’s criminal justice system. We congratulate the legislature on this year’s drug law reform and “right-sizing” of the prison system. We offer the following list of active legislation and new proposals covering a wide range of issues. They are endorsed by all the participating organizations in the CSS Reentry Roundtable¹ and are consistent with recommendations of the New York State Bar Association, the Independent Committee on Reentry & Employment, and the Coalition for Criminal Justice Reform’s *Blueprint for Criminal Justice Reform*.

GENERAL RECOMMENDATIONS

With the prison population drastically lower than it was ten years ago, **the New York Reentry Roundtable urges the legislature to consider closing additional underutilized prison and juvenile justice facilities.** The millions of dollars in savings could be reinvested in economic development projects statewide aimed at creating jobs and improving services in communities throughout New York State.

¹ See attached list of Endorsers

EMPLOYMENT & RESTORATION OF RIGHTS

We Support S. 4686/A. 3770, which removes the blanket prohibition on individuals with criminal conviction histories working in establishments with liquor licenses, and restores discretion to employers to choose qualified applicants.

We Support a Path to Sealing Criminal Records after a certain number of years (determined by the seriousness of the conviction) without subsequent convictions. Studies have shown that after seven years without new convictions, even individuals with violent felony offense convictions are *no more likely* to be convicted of a new crime than individuals with no criminal history.

We Support A. 5330, the Conditional Job Offer bill. This proposal would give jobseekers a fairer chance in the application process, while still allowing employers the discretion to rescind a job offer if, after considering the factors in Correction Law Article 23-A, they believe that the applicant's conviction history poses an unreasonable risk.

We Support S. 4368/A. 8065, which clarifies the definition of "direct relationship" for the purposes of Article 23-A of the Correction Law regarding licensures and employment of persons previously convicted of one or more criminal offense.

We Support A. 4923, which creates a single "Certificate of Restoration," to replace the existing Certificates of Relief from Disabilities and Good Conduct. A single Certificate would increase efficiency, and would more clearly describe the Certificate's intent and effect.

We Support S. 4687/A. 8012, which amends the Correction Law to create more meaningful remedies for violations of its provisions in Article 23-A, by deleting §755. While New York has one of the strongest laws in the country protecting jobseekers with conviction histories from employment discrimination, the force of the law is diluted by weak enforcement mechanisms.

We Support S. 2495/A. 3769, which would Require DCJS and DOCS to provide a rap sheet, free of charge, to every individual released from a New York State correctional facility, on the day of release. The rap sheet provided would come with instructions for how to read, understand, and review the document for errors, as well as referrals to legal services.

We Support S. 2655/A. 3665 and S. 2656/A. 3666, which would improve accuracy of rap sheets by providing mechanisms to clear old warrants and missing dispositions, respectively.

We Support S. 5223, which amends the Executive and the Judiciary Law to require DCJS and OCA to refrain from including undisposed case information on criminal history record reports.

We Support S. 4366/A. 3664, which amends laws to ensure that both Certificates of Relief from Disabilities and Certificates of Good Conduct lift statutory bars to employment and licensure; and ***S4689/A3814***, which transfers responsibility for reviewing applications from individuals with Federal convictions to Federal Probation offices.

We Support S. 4406/A. 3131, which removes conviction information for people released from DOCS custody from the DOCS website.

We Propose amendments to statutes relating to occupational licensing so that employers (as opposed to licensing agencies) have ultimate discretion over their own hiring decisions when considering applicants with conviction histories.

We Support amendments to the New York State Fair Credit Reporting Act so that Credit Reporting Agencies are barred from reporting on criminal histories older than seven years unless the annual salary for the job in question is \$75,000 or more.

VOTING RIGHTS

We Support S. 4643/A. 2445, which extends the right to register and vote in any election to individuals who have been released from prison on parole; and **S. 1266/A. 2266**, the Voting Notification and Registration Act, which would ensure that *all* eligible voters with conviction histories have the opportunity to register to vote and cast a meaningful ballot.

We Support S. 5946, which adjusts home districts of people in prison in New York to remedy the US census policy of counting people where they are incarcerated. According to the Prison Policy Initiative, one out of every three people who moved to upstate New York in the 1990s actually "moved" into a newly constructed prison. Counting people in prison in districts where they do not benefit from services and cannot vote undermines democracy.

EDUCATION

We Support restoration of Tuition Assistance Program (TAP) eligibility for individuals in prison. Lack of economic opportunity traps people in the criminal justice system; higher education is the key to opening economic opportunities that can break the cycle.

We Support enactment of legislation prohibiting colleges and universities from banning the applications of formerly incarcerated individuals solely based on the criminal record, or to have blanket policies of refusing to consider applications from students with criminal records.

We support S. 5268, which would ensure that young people leaving Office of Children & Family Services (OCFS) custody receive educational credits that can be transferred to public schools in their home communities.

SENTENCING

We Support S. 3438-B/A. 4516-B, which would allow survivors of domestic violence incarcerated for crimes they committed as a result of abuse to be eligible for merit time and early release from prison. Incarcerated survivors of domestic violence have been punished twice – first when society failed to protect them and then again when they were sent to prison. This law will extend *eligibility* to earn merit time release to these survivors.

HEALTHCARE

We Support S. 3842/A. 903, which would require the New York State Department of Health to oversee and monitor HIV and hepatitis C care in prison. While the Department of Health monitors hospitals in the community, it does not oversee medical services in New York's prisons. Instead, medical providers in the prisons are accountable only to DOCS itself - an agency with no expertise in healthcare or public health.

FAMILY CONNECTIONS

We support S. 2233/A. 5462, which would reform New York's Adoption and Safe Families Act (ASFA) to give incarcerated parents and their children in foster care a more fair opportunity to work toward safe permanency options that do not involve severing family bonds forever.

FINANCIAL DEBT

We support S. 4684, which amends the Family Court Act and the Domestic Relations Law to allow judicial discretion in defining incarceration as "willful unemployment" when setting or modifying child support obligations of incarcerated non-custodial parents. This reform will encourage parental responsibility by allowing incarcerated parents to modify their child support payments to reflect their actual income (*of between 40 and 60 cents per hour*). Massive debt – sometimes more than \$100,000 – acts as a disincentive to enter the labor market and pay child support in reasonable amounts upon release.

We Propose a review of existing and moratorium on the imposition of new fees and fines that create insurmountable debt and barriers to individuals attempting to reintegrate after incarceration.

We Propose that judges be granted authority to waive any existing fees and fines at their discretion, at the time of sentencing, if the judge believes that levying the fee or fine in question would undermine the sentencing goal of promoting successful reintegration.