

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2025**

No. 139

Introduced by Council Members Joseph, Louis, Brannan, Banks, Ossé, Ayala, Brooks-Powers, Sanchez, Riley, Feliz, Cabán, Hudson, De La Rosa, Bottcher and Gutiérrez.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to holistic clinical assessments for incarcerated individuals

Be it enacted by the Council as follows:

Section 1. Section 9-310 of the administrative code of the city of New York, as added by local law number 75 for the year 2023, is amended to read as follows:

§ 9-310 Jail population review. a. [Definition] *Definitions*. For the purpose of this section, the following [term has] *terms have* the following [meaning] *meanings*:

Court-based alternative to incarceration program. The term “court-based alternative to incarceration program” means a program administered by a service provider that provides clinical assessment, case management, and compliance monitoring services under the supervision of one or more courts with jurisdiction over felony cases.

Covered person. The term “covered person” means a person who has been in the custody of the department of correction for at least seven consecutive days.

b. No later than October 1, 2023, the office shall establish a jail population review program that shall conduct a review of covered persons to identify opportunities for early case resolution

or pretrial release with any appropriate conditions. The office may implement such program in one or more boroughs, provided that the office shall implement a citywide program by July 1, 2024.

c. Review criteria. The jail population review program shall (i) establish criteria for determining whether a case presents opportunities for early case resolution or pretrial release with any appropriate conditions and (ii) review each covered person based on such criteria, to the extent the office has access to the information required by such criteria. To the extent such information is available, the criteria shall include the following:

1. The charges filed against the covered person;
2. The covered person's criminal history and any previous record with respect to court attendance;
3. Any known physical and mental health conditions;
4. Any known psychosocial conditions contributing to the individual's circumstances at the time of arrest, including, but not limited to, the individual's financial stability, mental and emotional health, housing, employment, education, and history of trauma;
5. The treatment needs of the covered person;
6. Any available community-based programming that provides services outside the department of correction;
7. The amount of bail set relative to the covered person's ability to pay bail;
8. The typical sentence imposed in similar cases; and
9. Any other information the office deems relevant.

c-1. Clinical assessment. Upon request of the covered person or the attorney of such covered person or, with the consent of the covered person, when an assessment is required for acceptance to a court-based alternative to incarceration program, the office shall make available a holistic

clinical assessment of such covered person. Such assessment shall include, but not be limited to, the information described in paragraphs 3 through 6 of subdivision c of this section. Such assessment shall be provided to the covered person's attorney within 3 weeks of the referral, except that if such assessment requires complex analysis including but not limited to psychological testing for intellectual disabilities, an assessment of the risk of violence of such covered person, documentation of domestic violence and abuse history or other complex history and needs, such assessment shall be provided within 6 weeks of such referral.

d. The office shall provide, as early as practicable, all the material information collected during the review *undertaken pursuant to subdivision c of this section* to the covered person's attorney. [The office shall not share any confidential information with the district attorney or the court without the consent of the covered person's attorney.]

e. Confidentiality. The office shall establish confidentiality protocols for the jail population review program *and clinical assessment* to ensure that all information collected to conduct the individualized review required by this section is collected, maintained, and disclosed in accordance with applicable law and policies. *The office shall not share any confidential information collected pursuant to subdivision c or subdivision c-1 of this section with the district attorney or the court without the consent of the covered person's attorney.*

f. Report. The office shall publish on its website and submit to the speaker of the council and the mayor a biannual report submitted within 60 days of January 1 and July 1 of each year. Such report must include the following information, disaggregated by *borough*, race, age, gender, and any relevant health designations, where such information is available to the office:

1. The number of covered persons who were reviewed *pursuant to subdivision c of this section*;

2. The [number of covered persons] *average number of days between jail admission and the review of covered persons* for whom the review is required by *subdivision c* of this section [was completed in (i) zero to 10 days, (ii) 11 to 20 days, or (iii) more than 21 days from the covered person's date of entry into department of correction custody];

3. The number of covered persons identified as having opportunities for early case resolution or pretrial release with appropriate conditions;

4. *The number of clinical assessments conducted pursuant to subdivision c-1 of this section, disaggregated by the type of assessment;*

5. *The average number of days between admission to jail and the referral for a clinical assessment;*

6. *The average number of days between a request for a clinical assessment and the submission of an assessment report to the covered person or their criminal defense attorney, disaggregated by type of assessment; and*

7. The number of covered persons identified in paragraph 3 of this subdivision who were released from incarceration, disaggregated by the disposition or status of such person's case and the conditions of pretrial release, if any[;

5. The number of covered persons identified in paragraph 4 of this subdivision who were subsequently arraigned on a new offense within the prior 6 months].

The report shall use an asterisk in place of a number where there are fewer than 5 covered persons in any of the categories identified in paragraphs 1 through [5] 7 of this subdivision.

§ 2. By no later than six months after the effective date of this section, the office of criminal justice shall submit to the council and post on their website, a report that assesses whether redundant information is collected from criminal defendants during stages of the court process and

whether opportunities exist to consolidate the number of interviews and evaluations required of a criminal defendant by improving coordination amongst criminal legal system actors. The report shall also include a recommendation as to whether a single comprehensive needs assessment can be established to provide both timely jail-based and community treatment plans for people in custody with a pending criminal case. Such report shall incorporate any views provided by the department of correction, correctional health services, the office of court administration, district attorneys, criminal defense attorneys who represent indigent persons pursuant to article 18-a of the county law, community-based program providers that provide services outside the department of correction, and any other relevant city or state agencies and stakeholders.

§ 3. This local law takes effect 120 days after it becomes law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on September 10, 2025 and returned unsigned by the Mayor on October 14, 2025.

ALISA FUENTES, Acting City Clerk, Acting Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 139 of 2025, Council Int. No. 1240-A of 2025) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor, and neither approved nor disapproved within thirty days thereafter.

SPENCER FISHER, Acting Corporation Counsel.