Committee on Criminal Justice

Agatha Mavropoulos, *Legislative Counsel*

Kieshorne Dennie, *Legislative Policy Analyst*

Jack Storey, *Financial Analyst*





**THE COUNCIL OF THE CITY OF NEW YORK**

**Committee Report of the JUSTICE DIVISION**

Jeffrey Baker, Legislative Director

**COMMITTEE ON CRIMINAL JUSTICE**

Hon. Keith Powers, Chair

**PROP. INT. NO. 903-A** By Council Members Adams, Miller, Holden, Ampry-Samuel, Powers, Rose, Rivera, Rosenthal, Louis and Yeger (by request of the Queens Borough President)

**TITLE** A Local Law to amend the administrative code of the city of New York, in relation to funds remaining in commissary accounts when incarcerated individuals are released from custody

**ADMIN. CODE** Adds § 9-162

1. **INTRODUCTION:**

On November 22, 2021, the Committee on Criminal Justice, chaired by Council Member Powers, voted on Proposed Introduction Number 903-A, A Local Law to amend the administrative code of the city of New York, in relation to funds remaining in commissary accounts when incarcerated individuals are released from custody. The Committee voted in favor of the bill by a vote of seven affirmatives, none opposed and no abstentions. The Committee previously held a hearing on this bill on June 17, 2019 and received testimony from representatives of the Department of Correction (“Department”) as well as advocates and other interested members of the public.

1. **BACKGROUND**

The Department of Correction reportedly has $3.7 million dollars of unclaimed commissary funds belonging to people who have been discharged from correctional facilities.[[1]](#footnote-1) This money has accumulated over several years, and many people in the Department’s custody are unaware they have money left in their commissary accounts. This bill seeks to facilitate access to these funds by people who have been released from the Department’s custody.

1. **PROPOSED INTRODUCTION NO. 903-A**

Section 1 of this bill adds section 9-162 to the administrative code of the city of New York. It requires the Department to assist people being released in navigating the process to receive unused commissary funds and ensure that any person with unused funds is immediately given up to $200 in cash upon request. The bill would also require the Department to make reasonable efforts to return unused commissary funds to formerly incarcerated individuals and to establish a plan for raising awareness regarding obtaining such funds. It would also require a yearly report on the outstanding commissary funds and the attempts made to return such funds.

Section 2 will make the bill take effect 180 days after becoming law.

1. **AMENDMENTS TO INT. NO. 903-A**

 Since introduction, this bill was amended to require the Department to provide assistance immediately at discharge. The bill was also amended to require the Department to give up to $200 in cash to people released from custody upon request. The bill was also amended to require the Department to establish a plan for increasing awareness for obtaining funds. Reporting requirements were added to the bill, including requiring the Department to report on the amount of money in the unclaimed accounts, the number of unclaimed accounts, and the attempts to return such funds. The bill also ensures that no person utilizing the process outlined in the legislation will have to pay any fee.

Proposed Int. No. 903-A

By Council Members Adams, Miller, Holden, Ampry-Samuel, Powers, Rose, Rivera, Rosenthal, Louis and Yeger (by request of the Queens Borough President)

A LOCAL LAW

..Title

TTTo amend the administrative code of the city of New York, in relation to funds remaining in commissary accounts when incarcerated individuals are released from custody

..Body

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-162 to read as follows:

§ 9-162 Commissary accounts of incarcerated individuals. a. When an incarcerated individual is released from custody in a departmental facility, the department shall, as part of the discharge process, assist the individual in receiving unused commissary funds. Such assistance shall be given in a language the incarcerated individual can understand and shall include but not be limited to providing such individual, orally and in writing, information on the amount of commissary funds remaining in their account, how to obtain such funds and the locations at which they can immediately receive up to $200 in cash of such funds. For the purposes of this section, the term “commissary funds” has the same meaning as the term “prisoner funds” set forth in subdivision f of section 500-c of the correction law and in section 7016.2 of title 9 of the New York code of rules and regulations, or any successor provisions of such law or rules.

b. Immediately upon request from a formerly incarcerated individual at a location at which commissary funds are made available, the department shall return up to $200 of such funds in cash, and any funds to which such individual is entitled that exceed $200 shall be distributed by check and sent by mail if all necessary information, including a name and mailing address, is provided by such individual. The department shall also make such checks available to be retrieved by the formerly incarcerated individual in person at the cashier window within three business days of receiving a request from a formerly incarcerated individual. Such formerly incarcerated individual will have 90 days to retrieve such check in person. If such individual does not pick up the check within 90 days, the individual may request a new check to be issued. The department shall attempt to contact the formerly incarcerated individual if such individual does not pick up the check within 90 days and notify such individual that they may request a new check to be issued. Such individual must pick up the new check within 90 days.

c. No formerly incarcerated individual receiving unused commissary funds shall pay any fee in connection with the procedures established in accordance with this section for receiving such funds.

d. No later than December 1, 2022, the department shall establish a plan, upon consultation with the agency or agencies designated by the mayor, for raising awareness regarding the procedures by which formerly incarcerated individuals can obtain commissary funds and for retrieving information necessary to return such funds to such individuals. The department shall make reasonable efforts to return unused commissary funds to their rightful owners.

e. No later than May 31, 2023 and by May 31 of each subsequent year thereafter, the department shall report to the council and post permanently on its website a report of the aggregate amount of commissary funds remaining in the accounts of all individuals who are no longer in the custody of the department, the number of such accounts and efforts made in each year to return any unclaimed funds during the reporting period.

§ 2. This local law takes effect 180 days after it becomes law.

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1. Written testimony of Becky Scott and Joseph Antonelli of the Department of Correction before the New York City Council’s Committees on Criminal Justice, Justice System, and Mental Health, Disabilities and Addition, June 17, 2019, available at https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3970954&GUID=BE2B0D43-E0EC-4AE5-97F5-945C52F54E64&Options=&Search=. [↑](#footnote-ref-1)