

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2019**

No. 81

Introduced by Council Members Lancman, Ampry-Samuel, Rosenthal, Gibson, Lander, Cumbo, Ayala, Kallos, Constantinides, Holden and Rivera.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring the department of correction to notify incarcerated individuals and their legal representatives when an incarcerated individual is held solely due to a bail amount of less than \$10

Be it enacted by the Council as follows:

Section 1. Section 9-150 of the administrative code of the city of New York, as added by local law number 125 for the year 2017, is amended to read as follows:

§ 9-150 Bail facilitation.

Definitions. As used in this section, the following terms have the following meanings:

Bail facilitator. The term "bail facilitator" means a person or persons whose duties include explaining to eligible [inmates] *incarcerated individuals* how to post bail or bond, explaining the fees that may be collected by bail bonds companies, taking reasonable steps to communicate directly with or facilitate [inmate] *such individual's* communication with possible sureties, and taking any other reasonable measures to assist [inmates] *such individuals* in posting bail or bond.

Eligible [inmate] *incarcerated individual*. The term ["eligible inmate"] "*eligible incarcerated individual*" means a person in the custody of the department held only on bail or bond.

Institutional defense provider. The term “institutional defense provider” means any private institutional legal services organization selected in accordance with section 13-02 of title 43 of the rules of the city of New York to represent indigent persons, or any successor provision thereto.

a. Within 24 hours of taking custody of an eligible [inmate] *incarcerated individual*, the department shall provide to such [inmate] *individual* the following information in written form: (i) the [inmate's] *individual's* amount of bail or bond, (ii) the [inmate's] *individual's* New York state identification number or booking and case number or other unique identifying number, (iii) options for all forms of bail payment and all steps required for such payment, including the locations at which a surety may post bail and the requirements for so posting, and (iv) any other information relevant to assisting the [inmate] *individual* in posting bail or bond.

b. Within 24 hours of taking custody of eligible [inmates] *incarcerated individuals*, the department shall notify such [inmates] *individuals* that they may post their own bail. Within such time period, the department shall, to the extent practicable and in a manner consistent with officer safety and all applicable laws, offer such [inmates] *individuals* the opportunity to obtain property, including personal contact information and financial resources, that such [inmates] *individuals* may require for the purpose of posting bail and which is stored in such [inmate's] *individual's* personal property, provided that any member of the department who accesses such [inmate's] *individual's* property pursuant to this subdivision shall request access only for the purpose of facilitating posting bail.

c. The department shall ensure that bail facilitators meet with all eligible [inmates] *incarcerated individuals* within 48 hours of their admission to the custody of the department, that eligible [inmates] *incarcerated individuals* have continued access to bail facilitators, and that bail facilitators are provided with reasonable resources necessary to fulfill their duties.

d. Absent unusual circumstances, the following time periods shall apply to notifications given pursuant to this subdivision to eligible incarcerated individuals and their legal representatives: the department shall generate a list of eligible incarcerated individuals who are held solely due to a bail amount of less than \$10 once before noon and once after noon every day of the week. Within three hours of generation of such a list, but no later than 24 hours after receipt of information from the office of court administration regarding the bail status of eligible incarcerated individuals, the department shall provide each eligible incarcerated individual who is held solely due to a bail amount of less than \$10 with notice that such eligible incarcerated individual is held solely due to a bail amount of less than \$10. Within ninety minutes of generation of such a list, the department shall consult a website maintained by the New York state unified court system that may contain information relating to such individual's legal representative. If such website identifies the legal representative of such individual and contains a telephone number for such legal representative, the department shall telephone such legal representative to inform them that such individual is held solely due to a bail amount of less than \$10. If such website identifies an institutional defense provider as the legal representative of such individual, the department shall telephone or email such institutional defense provider within ninety minutes of generation of such a list to inform them that such individual is held solely due to a bail amount of less than \$10, regardless of whether a telephone number or email address is identified on a website maintained by the New York state unified court system.

§ 2. This local law takes effect 45 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 April 9, 2019 and returned unsigned by the Mayor on May 9, 2019.

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. 81 of 2019, Council Int. No. 944-A of 2018) 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.

STEVEN LOUIS, Acting Corporation Counsel.