



Legislation Text

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Int. No. 825

By Council Members Hudson, Nurse, the Public Advocate (Mr. Williams), Brewer, Riley, Restler, Farías and Hanif

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

Be it enacted by the Council as follows:

Section 1. Section 9-162 of the administrative code of the city of New York, as added by local law number 60 for the year 2021, is amended 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.] inform the incarcerated person, orally and in writing, in a language the incarcerated individual can understand, how much money remains in their commissary account, and return all unused commissary funds, in cash, prior to the individual leaving the department's custody. 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.] b. 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.] c. 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.] d. 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.

1/5/23