



2023 NY State and New York City Legislative Priorities

This document outlines the Osborne Association's legislative priorities (as advanced by the Osborne Center for Justice Across Generations). These priorities move us closer towards realizing Osborne's goals of:

- Investing in healing-centered and community-based solutions (rather than carceral, punitive responses that perpetuate harm);
- Building equity and inclusion, and dismantling structural racism;
- Improving conditions inside prisons and jails for those who live in, work in, and visit them.

As we work to divert and release as many people as possible from jail and prison, and to protect bail reform and existing pre-trial reforms, we are working to pass legislation and change policies in three key areas: (1) **children and families**, (2) **aging and parole justice**, and (3) **housing**.

CHILDREN AND FAMILIES

State Priorities

Pass the Protect In-Person Visits Bill, S3318 (*Senator Sepulveda/Assemblymember Weprin*)

This bill protects in-person visits at State and local correctional facilities, ensuring that video conferencing cannot replace in-person visits—an alarming trend sweeping the country that is encouraged by for-profit companies. The pandemic led to a reliance on video conferencing that set a concerning precedent in New York. Legislation is needed to restore in-person visiting to its pre-pandemic levels and require facilities to offer weekend and/or evening visiting hours so that children and families do not have to miss school or work to visit. The Senate passed this bill the past three years and we urge the Legislature to pass this bill immediately.

Pass the Safeguarding Children of Arrested Parents Bill, S2747/ A3502 (*Senator Bailey/Assemblymember Vanel*)

This bill directs the New York State Police and the NYS Municipal Police Training Council to develop model guidelines and offer training to assist law enforcement in minimizing trauma



to children affected by a parent's arrest. To date, Albany, Buffalo, Hudson, and New York City Police Departments are the only departments in the state that have written policies to safeguard children when a parent/caregiver is arrested.

New York City Priorities

Fully Implement the 2019 Safeguarding Children of Arrested Parents Law

This law requires the New York City Police Department to develop guidance for officers to minimize trauma to children present at a parent's or caregiver's arrest; to provide training to officers who interact with the public; and to report on referrals made for post-arrest support. The NYPD implemented guidelines, but training and data collection mechanisms are still being developed and a sustainable plan for both is needed. We urge the NYPD to:

- Offer substantive training on safeguarding children to all 36,000 uniformed members of service and new recruits.
- Collect data on the number of children present when a parent is arrested.
- Consider children when planning to execute warrants, ideally executing the warrant when children are not present.

AGING AND PAROLE JUSTICE

State Priorities

Pass the Fair & Timely Parole [Bill](#), S307/A162 (*Senator Salazar/Assemblymember Weprin*)

The Fair and Timely Parole Bill requires the State to show that an individual poses a current and unreasonable risk of violating the law and a threat to public safety in order to deny parole release once someone has reached their minimum sentence. The bill acknowledges consideration of the individual's accomplishments and rehabilitative efforts, correcting the current injustice of prioritizing the nature of the original crime to determine release.

Pass the Elder Parole [Bill](#), S2423/A2035 (*Senator Hoylman/Assemblymember Davila*)

The Elder Parole Bill would allow individuals 55 years of age and older who have served 15 years or more a chance to go before the New York State Board of Parole, even though they have not yet reached their minimum sentence or would not otherwise be parole eligible. At great expense to taxpayers and the state, one in four incarcerated individuals is now age 50 and older. Incarcerating older people does not make us safer (recidivism rates for those over 60 for new offenses are close to zero¹) and deprives their community of wisdom, contributions, and leadership.

1. Vera Institute of Justice (December 2017), [Aging Out - Using Compassionate Release to Address the Growth of Aging and Infirm Prison Populations](#).



Fully Staff and Train the Parole Board

The New York State Board of Parole has the authority to seat 19 commissioners, appointed by the Governor and confirmed by the State Senate, for terms of up to six years. There are currently 14 commissioners in place, five of whom have expired terms. The Board of Parole conducted 8,000 parole interviews last year (a dramatic decrease from pre-pandemic times), often with only two commissioners participating instead of three (with tie decisions resulting in denials), and most happening only by video. An antiquated paper and non-digitized parole system makes it additionally difficult to fairly review the thousands of parole applicants who come before the Board of Parole each year. We call on the Governor to fill the five vacant seats with individuals who believe in rehabilitation and transformation.

New York City Priorities

Hold a Hearing on the Health and Well-Being of Older Incarcerated People Returning to NYC

The Compassion and Assistance for Returning Elders (CARE) Act of 2018 created a citywide interagency task force to examine the needs of the growing number of older people returning from incarceration to New York City. The task force drafted recommendations, although they were not publicly issued. Close to 800 older people are incarcerated on Rikers and hundreds more return from prison to NYC each year, many going straight into the homeless shelter system. There is an urgent need to develop and implement effective solutions to ensure formerly incarcerated older people live “healthy, fulfilling lives with dignity and independence”² and have opportunities to contribute. We call on the City Council Committee on Aging to hold a hearing examining these issues.

HOUSING

City and State Priorities

Pass the NYC Fair Chance for Housing Act ([Intro 632](#), *Council Member Keith Powers*), which prohibits landlords and their agents with qualifying exemptions from conducting criminal background checks for those applying for housing and rejecting applicants for housing based on conviction histories.

Pass the NYS Housing Access Voucher [Bill, S568](#) (*Senator Kavanagh*), which dramatically expands rental assistance for those who are homeless or face an imminent threat of homelessness at fair market rent levels.

2. Excerpted from Governor Hochul’s [Executive Order](#), November 4, 2022.



Increase capital and operating funding for transitional and permanent supportive reentry housing, and include allocations for the reentry population within larger funding allocations, including and as part of Governor Hochul's [age-friendly NY](#).

Federal Priorities

Amend HUD's definition of "homeless" or "chronically homeless" in government-sponsored supportive housing programs to include the time spent incarcerated by people who would otherwise have been homeless.

We Also Call for the Following:

- Expand investments in alternatives to detention and incarceration.
- Close Rikers and invest in communities and community-based programming.
- Enact the [Justice Roadmap](#), a legislative agenda signed onto by more than 200 organizations and legislators, which addresses the harms caused by the entangled criminal legal and immigration systems. This includes: Clean Slate; Youth & Justice Opportunities Act; Treatment Not Jails; Freedom from Forced Labor; Voting Rights for Incarcerated People; Gender Identity Respect, Dignity and Safety Act; Fair Access to Victim Compensation Act; and Connecting Families, among many other important bills.
- Enact the [Youth Justice Platform](#), including the [Right2RemainSilent](#) Bill.
- Pass the Communities Not Cages [platform](#): Eliminate Mandatory Minimums Act, Second Look Act, and the Earned Time Act.
- [End solitary confinement](#) in New York City (pass Intro 549) and replace it with alternative forms of separation proven to better enhance safety, health, and well-being.