

Memorandum in Support

NYSBA #42

A. 3935

S. 5059

March 18, 2026

By: M. of A. Hevesi

By: Senator Cleare

Assembly Committee: Correction

Senate Committee: Social Services

Effective Date: First of January after it becomes law

AN ACT to amend the social services law and the correction law, in relation to assistance programs for individuals being released from correctional facilities

LAW AND SECTION REFERRED TO: Subdivision 4 of section 158 of the social services law

The New York State Bar Association supports A.3935/S.5059, which would allow people leaving incarceration to proactively apply for public benefits.

NYSBA has long been invested in the issue of reintegration and how to successfully reintroduce formerly incarcerated individuals back into society. In 2006 a Special Committee on Collateral Consequences of Criminal Proceedings was formed to study the effects certain “collateral consequences” have on New York Residents who have experienced the criminal justice system and the formidable societal barriers that those returning to their communities after incarceration often face.¹ NYSBA’s Special Committee on Re-entry studied the issue of reintegration extensively in their [2016 Report](#) and came to the conclusion that it was imperative that incarcerated individuals receive support in planning for their release starting as soon as they are incarcerated to ensure successful reintegration into society and to reduce the likelihood of recidivism.² And in 2019, NYSBA’s Task Force on Incarceration Release and Planning Programs took another look at the issue, discussed any progress that had been made since the 2016 report and reinforced the need for adequate release planning to lessen the likelihood of recidivism and ensure public safety.³

Section one of the bill amends section 158 (4) of the social services law to require that within seventy-two hours of release the correctional facility's benefits navigator shall complete such person's application for safety net assistance. Section two amends section 112 (2) of the

¹ NYSBA Special Committee on Collateral Consequences of Criminal Proceedings, May 2006, [final-approved-collateral-consequences-report-Nov.-2006.pdf](#)

² NYSBA Special Committee on Re-Entry, January 2016, [January-2016-Reentry-Report-2.pdf](#)

³ The New York State Bar Association Report of the Task Force on Incarceration Release Planning and Programs, April 2019, [20210128_Approved-and-Amended-Report-of-Task-Force-on-Incarceration-Release-Planning-and-Programs-4.22.19.pdf](#)

correction law to make technical changes with relation to the title of Commissioner and require that correctional facilities ensure each person is provided with applications for safety net programs. Ensuring that those leaving incarceration and re-entering society have access to supports such as these are essential.

Most people who leave prison lack the financial resources to obtain food, shelter, medical care and other basic needs. Steps must be taken to ensure that people have immediate access to public assistance benefits upon release. Currently, many formerly incarcerated individuals face significant barriers in accessing benefits such as Public Assistance (PA), Supplemental Nutrition Assistance Program (SNAP), Women, Infants, and Children (WIC), and Home Energy Assistance Program (HEAP). These barriers contribute to financial instability and housing insecurity. By mandating proactive benefits navigation at the point of residence approval, this legislation aims to address these systemic challenges and set individuals on a path toward stability and reintegration.

Based on the foregoing and the attached reports, the New York State Bar Association SUPPORTS this legislation.