Memorandum in Support

TASK FORCE ON RACISM, SOCIAL EQUITY, AND THE LAW

Racism, Social Equity, and the Law #2   May 3, 2022

S. 7873-A   By: Senator Cooney
A. 8462-B   By: M of A Kelles
                              Senate Committee: Correction
                            Assembly Committee: Correction
                               Effective Date: Immediately

LAW AND SECTION REFERRED TO: the Earned Time Act (S.7873-A/A.8462-B).

<u>THE TASK FORCE ON RACISM, SOCIAL EQUITY, AND THE LAW SUPPORTS THIS LEGISLATION</u>

The Task Force on Racism, Social Equity, and the Law ("Task Force") strongly urges the New York State Legislature to pass the Earned Time Act (S.7873-A/A.8462-B). This bill reduce the amount of time New Yorkers spend incarcerated overall.

The Task Force has identified this bill as a significant and necessary step towards the goals of social equity. The Task Force is tasked with identifying and recommending concrete steps to build a criminal justice system rooted in true equity and justice for all New Yorkers. The current system itself is steeped in racial animus on a structural level and requires fundamental changes to reverse the decades of harm caused by decades of destructive policies. Decades of policies meant to increase average prison sentences overwhelmingly affect people of color, who represent over two thirds of those incarcerated in New York.

The Task Force supports the Earned Time Act (S.7873-A/A.8462-B) which would work to remedy New York's particularly restrictive scheme for incarcerated people to earn good time and merit time against their sentences. This Act would eliminate barriers to earning time on certain convictions, increase good time to 50% and merit time to 25% of the maximum term imposed by the court, and expand opportunities for earning merit time. Additionally, the Act incentivizes individual facilities to create more programming opportunities, and automatically credits merit time to people in facilities that do not provide ways of earning merit time allowances. Overall, these provisions encourage those incarcerated to pursue meaningful transformation and creates opportunities for that growth through education, treatment, and other beneficial programing, thus reducing recidivism rates and reunifying families sooner.

This Act would accomplish a key goal in the pursuit of racial justice: reduce sentence length for people affected by racially driven sentencing enhancements which have a disparate impact on people of color.

Based on the foregoing, the Task Force on Racism, Social Equity, and the Law **SUPPORTS** this legislation.