



Testimony by Center for Community Alternatives

Presented before the New York State Senate and Assembly Joint Legislative Budget Hearing on February 12, 2026

Thank you for the opportunity to testify today. We are here to testify in support of including the following proposals in the FY27 budget:

- **Second Look Act (S.158/A.1283)**
- **Earned Time Act (S.342/A.1085)**
- **End Predatory Court Fees Act (S.318/A.8672)**
- **Youth Justice Innovation Fund (S.643/A.8491)**

I. SECOND LOOK ACT (S.158/A.1283) & EARNED TIME ACT (S.342/A.1085)

The Humanitarian Crisis in New York State's Prisons

The humanitarian crisis in New York's prisons continues unabated. A year ago, Robert Brooks was beaten to death by a swarm of prison guards at Marcy Correctional Facility. In February, Messiah Nantwi was killed across the street at Mid-State Correctional Facility. The murders of Messiah Nantwi and Robert Brooks follow decades of well-documented brutality by prison staff, including the murders of [Leonard Strickland](#), [Karl Taylor](#), [Samuel Harrell](#), and many others, and [rapes of predominately incarcerated women by prison staff](#). In 2024, 143 people died in the custody of the Department of Corrections and Community Supervision (DOCCS)—[a 34% increase from the year prior](#). That is one death every 60 hours. If this were happening in schools or hospitals, there would be immediate intervention. In prison, it is normalized and ignored.

The [omnibus prison oversight bill](#), passed at the end of last legislative session, creates new rules for video disclosure, expands surveillance cameras, mandates death notifications, and requires studies and investigations into in-custody deaths in New York prisons and jails. It includes transparency measures, but does not address the root drivers of prison deaths or advance sentencing reforms that would provide life-saving pathways home for incarcerated people who have transformed while inside.

Reporting from the [New York Times](#) identified other cases where incarcerated people have died following beatings at the hands of DOCCS. And a first-of-its-kind [report](#) from Senate Corrections Chair Julia Salazar found that New York's prisons regularly abuse and neglect incarcerated individuals, fail to hold correctional officers accountable, and openly violate the law, as advocates and impacted people have long attested. [Reporting](#) has also found that incarcerated people are being denied release after not completing programming that they were denied access to.

The harm caused by incarceration extends far beyond prison walls. [More than 105,000 children](#) in New York have a parent behind bars. The trauma and economic instability this creates



increases the likelihood of their own future incarceration. Some families have multiple generations in prison at the same time—parents and children serving sentences in parallel. Nearly one in five people in DOCCS custody has a diagnosed mental health condition. Forty-four percent live with a chronic illness, many worsened by prison conditions. Thousands of people are assaulted each year, and most incidents never make it to an official report.

Incarceration is not just a response to harm, it causes harm and that harm is intergenerational. Survivors of violence know this. In the [first national survey of crime victims](#), respondents favored investment in education and community resources over incarceration by a margin of 15 to 1. Safety, for most people, does not mean more prisons. It means more stability, opportunity, and care.

Oversight and transparency are important and necessary, but they are not enough. To honor Robert Brooks and prevent future deaths, lawmakers must offer real pathways home for incarcerated people who have transformed while inside. That means passing the [Earned Time Act](#) and [Second Look Act](#), common-sense reforms that reduce violence, lower recidivism, and build stronger, safer communities for all of us.

Robert Ricks, the father of Robert Brooks, [wrote in a Times Union op-ed](#): “New York's criminal legal system is doing exactly what it was designed to do: warehouse Black and brown people, protect those who brutalize them, and uphold a culture of perpetual punishment. That's why I support the Communities Not Cages campaign to win passage of the Second Look Act, Earned Time Act, and Marvin Mayfield Act. The Earned Time Act helps prepare people to come home and reintegrate with their families. My son did everything he could inside. He got his GED, studied sign language, horticulture and maintenance, and made amends. He told me, ‘I wanna do what you do, Dad’—mentor young people, change lives. But instead of a second chance to come home and do just that, he got a death sentence. The Second Look Act gives judges the ability to reevaluate long sentences for people who've changed. Transformation doesn't take a lifetime. I was once incarcerated for 18 months, and I never looked back. Prisons shouldn't be warehouses. They shouldn't be graveyards. But that's what we've turned them into. And my son is proof.”

New York's Sentencing Laws

New York's sentencing schema was created during the 1970s Rockefeller Drug Law era and the years following the 1994 Crime Bill, and have disproportionately impacted Black and brown communities. Right now, over 30,000 people are incarcerated in New York's prisons. [Nearly 75% are Black or brown](#). More than [105,000 children](#) have a parent serving time in a New York jail or prison, which devastates families, and increases the likelihood of a [child's future incarceration](#). Instead of excessive sentences, [survivors](#) of crime overwhelmingly prefer investments in the community, by a factor of 15 to 1.

The Second Look Act (S.158/A.1283) would allow judges to review and reconsider excessive sentences. Under current sentencing laws, incarcerated people have no opportunity to demonstrate to a judge that they have transformed while incarcerated or to seek a reconsideration



of their sentences based on changes in law and norms. The Earned Time Act (S.342/A.1085) would strengthen and expand “good time” and “merit time” laws, supporting rehabilitative efforts in state prisons.

These reforms advance both safety and justice, allow judges to consider the individual factors in a case, and promote rehabilitation rather than perpetual punishment. [Judges have spoken out](#) about unjust sentences they have been mandated to impose and their inability to address excessive sentences. [Research](#), including from [DOCCS](#), shows that earned time opportunities help to prepare incarcerated people for reintegration, [reducing recidivism rates and correctional costs](#), and making prisons safer. Currently, New York lags far behind states like [Oklahoma and Alabama](#) in providing earned time opportunities. Nationally, second look bills are gaining momentum with legislation passed in five states and the [District of Columbia](#), and proposed in an additional 22 states. Federally, [U.S. Senator Cory Booker](#) has proposed second look legislation in Congress.

This legislation has broad-based support from judges, corrections, law enforcement, civil rights organizations and New Yorkers. The bills are supported by [over 200 organizations](#), the [American Bar Association](#), dozens of [labor unions](#), [judges](#), including the [Chief Judge](#) and [Chief Administrative Judge](#) of New York State, and [law enforcement](#), including the former [Commissioner](#) of the Department of Corrections and Community Supervision (DOCCS). These bills are also broadly popular with New Yorkers. Recent [polling](#) by EMC Research found that [74% of New Yorkers](#) support the Earned Time Act and [68% of New Yorkers](#) support the Second Look Act.

The Second Look Act

New York State has the third-largest population of people serving terms of life imprisonment in the country. Thousands of New Yorkers are currently serving life sentences. Prisons have become inadequate hospitals and long-term care facilities for thousands of sick and aging people. There are over 8,000 people today aged 50 and older in New York prisons and 44% of New Yorkers in state prison struggle with a chronic health condition. And many of these New Yorkers were given lengthy sentences for crimes they committed as young people.

Under current law, sentencing judges do not have an opportunity to review and reconsider excessive sentences. Even [judges](#) have spoken out about their inability to address sentences that are extreme or unjust. The Second Look Act allows incarcerated people to petition for resentencing and permits judges to revisit and reduce sentences, giving New Yorkers the opportunity to return to their families and communities, and to rebuild their lives. Nationally, second look bills are gaining momentum with legislation passed in four states and the [District of Columbia](#), and proposed in an additional 22 states. Federally, [U.S. Senator Cory Booker](#) has proposed second look legislation in Congress.

The Earned Time Act



Despite clear research that longer prison sentences harm individuals and families and do not increase community safety, New York has shifted focus from rehabilitation to warehousing people in prison for as long as possible. In response to the federal 1994 Crime Bill, which incentivized states to institute harsher sentencing laws, New York State slashed programs for incarcerated people and dramatically limited the amount of time people could earn off their sentences. This included eliminating financial aid for incarcerated college students, decimating college-in-prison programs. New York also restricted access to merit time based on conviction type, eliminating key opportunities for rehabilitative programming and earned time for thousands of New Yorkers each year.

Research, including from [DOCCS](#), shows that earned time opportunities help to prepare incarcerated people for reintegration, [reducing recidivism rates and correctional costs](#), and making prisons safer. Currently, New York lags far behind states like [Oklahoma and Alabama](#) in providing earned time opportunities.

The Earned Time Act would strengthen and expand “good time” and “merit time” laws, supporting rehabilitative efforts in state prisons.

Support from Judges, Corrections & Labor

This legislation has broad-based support from judges, corrections, law enforcement, civil rights organizations and New Yorkers. The bills are supported by the highest levels of New York’s judiciary, including the [Chief Judge](#) and [Chief Administrative Judge](#) of New York State, [law enforcement](#), including the former [prison commissioner](#) of the Department of Corrections and Community Supervision (DOCCS) and the former New York City [commissioner of corrections and probation](#), the [American Bar Association](#), dozens of [labor unions](#), [victim services](#) and [survivor justice groups](#), the [Comptroller](#), and [over 250 organizations](#). These bills are also broadly popular with New Yorkers. Recent [polling](#) by EMC Research found that [74% of New Yorkers](#) support the Earned Time Act and [68% of New Yorkers](#) support the Second Look Act.

II. END PREDATORY COURT FEES ACT (S.318/A.8672)

The End Predatory Court Fees Act (S.318/A.8672), would eliminate mandatory court surcharges, probation fees, mandatory minimum fines, as well as arrests and incarceration for unpaid fines and fees, and we call for its inclusion in the final enacted budget.

New York's Fees Are A Form of Regressive Taxation & Criminalize Poverty

Fees (or surcharges) are extra costs that the government attaches to every conviction — even traffic tickets and minor infractions. They can total hundreds of dollars (not including the amount of any fine a court may impose). Individuals are often required to pay fees on top of a fine, or even when the judge decides not to impose a fine at all. These court fees are explicitly intended as revenue raisers; they function as a form of regressive taxation on New Yorkers who are often the least able to afford them.



New York's top predatory fee is the mandatory surcharge. The mandatory surcharge is a fee attached to every conviction in New York, from minor violations to felonies. Courts cannot waive or reduce these fees or surcharges, or even consider your ability to pay them, and ending this practice across the state calls for legislative reform. Depending on the type of conviction, a single mandatory surcharge can amount to hundreds of dollars. In addition to mandatory fees, many charges come with a mandatory minimum fine, meaning that judges cannot consider someone's ability to pay.

Those who cannot pay are subjected to severe punishments that trap them in a cycle of poverty and criminalization: incarceration, prolonged or indefinite supervision, and additional fees — with communities of color and low-income communities suffering the most.

New York's Court Fees Place an Undue Burden on the Poor

Fines and fees punish people living in poverty. When governments use predatory fines and fees to raise money, the result is a hidden, disproportionate tax on those who can least afford it. This system of taxation-by-citation encourages policing for profit, extracts wealth from some of the most vulnerable members of our society and exposes Black and brown New Yorkers to more encounters with police resulting in a disproportionate rate of court involvement.

Fees have significant consequences, and they impact everything from housing stability to emotional well-being to relationships with friends and family. Paying just one traffic ticket and its mandatory surcharge could mean missing rent, going without healthcare, or living without basic necessities. These fines and fees often force an indigent defendant, or their family, to choose between paying a fine that if unpaid would land a family member in jail, or the ability to afford rent, food, and other daily essentials.

Moreover, data shows New York has not only increased fees over time, but also made certain fees *less affordable* and a much greater financial burden. Since the creation of the mandatory surcharge in the 1980s, the surcharge for violations has increased *178 percent more* than the expected inflation-adjusted amount. For misdemeanors and felonies, the surcharge increased 92 percent and 75 percent, respectively, relative to the inflation-adjusted amount.

A [recent national study](#) detailed the harm inflicted on those struggling to pay off court debt. According to that survey, two-thirds of respondents with court debt fell behind on rent and mortgage payments, and over a third had to move to different accommodations. New York currently has one of the highest median-rent to income ratios in the country — nearly 60% of residents across the state [could not afford to cover a \\$245 fine and fee without cutting back on household expenses](#).

The financial costs of court fees are disproportionately borne by women. A [recent study](#) found that almost half of the family members primarily responsible for paying court-related costs were mothers, and one in ten were grandmothers.



[A recent report](#) demonstrated that New York's mandatory surcharge — a supplemental fee assessed in nearly every criminal, traffic, and local ordinance case — is among the most burdensome in all 50 states. New York is one of only four states — along with Alaska, Minnesota and Mississippi — with statutes explicitly providing that an individual's inability to pay does not exempt them from owing these fees.

New York's Fines and Fees Are a Racist Source of Revenue

Black and brown New Yorkers are significantly more likely to be stopped, questioned, frisked, and issued summonses by police, and are living everyday with the fear of being arrested and jailed for the inability to pay a fine or fee. Harsh policing of minor violations, driven by governments' dependence on fines and fees as revenue, does not lead to greater public safety. It instead exposes Black and brown people to unnecessary interactions with law enforcement and financial insecurity.

Jailing those unable to pay fines and fees is especially costly, and New York is wasting money to chase money that does not exist. Courts and law enforcement agencies are spending more time and resources than ever on unsuccessful collection efforts aimed at those least able to afford it.

New York's Fines and Fees Are an Inefficient and Unstable Source of Revenue

These fees are an inefficient and unstable source of revenue. Collection rates are poor (ranging from 28-56%) and in many places, they are getting worse because they are often levied against people who [can't afford fees](#). Over the last five years, annual collections have decreased by approximately half (49%). Research has shown that [some jurisdictions actually spend more tax dollars](#) attempting to collect fines and fees than they actually receive.

The End Predatory Court Fees

The End Predatory Court Fees Act, (S.318) would address these injustices by first and foremost eliminating mandatory court surcharges, which is New York's most predatory fee. Probation fees would be eliminated so a person's ability to re-enter the community and the workplace isn't unnecessarily burdened by further financial obligations. Additionally, the practice of garnishing the commissary accounts to pay for fines and fees would be eliminated. These accounts are held by individuals who are incarcerated, and family members contribute their hard-earned money to these accounts so that incarcerated individuals can purchase things they need while in prison. This legislation would also eliminate mandatory minimum fines and create a mechanism for judges to consider a person's ability to pay before imposing a fine. And most significantly, this legislation would put a long overdue end to the draconian practice of incarceration for failure to pay a fine or a fee.

New York must start funding government equitably, not on the backs of those least able to afford it. This inefficient, extractive, and predatory practice of imposing predatory fees has far-reaching consequences that endanger individuals' attempts to secure stable housing and employment. In addition to systematically punishing people living in poverty, fines and fees disproportionately



exposes Black and brown New Yorkers to more, potentially deadly, interactions with law enforcement.

III. YOUTH JUSTICE INNOVATION FUND (S.643/A.8491)

The Youth Justice Innovation Fund (S.643/A.8491) would direct \$50 million to community-based organizations to provide a continuum of services from prevention, to early intervention, to alternatives to detention for youth aged 12 through 25. The Innovation Fund builds on successful state-wide efforts like Project RISE, which has brought over \$30 million to communities to combat gun violence through public health strategies, including credible messenger, and violence interruption programs.

Failure to Support New York's Youth

Overall, youth crime has consistently gone down since the Raise the Age law was first implemented in 2018. Evidence from across the State clearly shows how the law has improved community safety and youth well-being. Despite this significant progress, New York State has failed to fully deliver on its promise to fund community-based services and programs that provide alternatives to incarceration and reentry programs for young people.

As of March 2024, less than a third of the \$1.5 billion appropriated for the Raise the Age law's implementation has been spent. New York City, which accounts for half of the state's youth justice system population, has received zero State funding. Of the funding that was spent, less than 20% of the funds - sometimes as little as 10% - were for community based services and programs.

The Youth Justice Innovation Fund

The Youth Justice Innovation Fund would take \$50 million of the annual \$250 million Raise the Age appropriation and dedicate it to directly funding community based organizations providing services ranging from mentoring and school support, to employment and internships, to mental health, counseling and other age-appropriate programs shown to reduce contact with the criminal legal system and future court-involvement. Counties would still be able to access Raise the Age funding through their County Plans.

The Innovation Fund would be administered by New York State Division of Criminal Justice Services, making \$50 million available to community-based organizations most trusted and best-equipped to serve adolescents and young adults through a grant-making program to support young people who are at-risk for or who come into contact with law enforcement. Before this, community-based organizations have accessed state funding for youth justice through county plans, meaning that the fabric of community based support is vastly different in different parts of the state, based on local politics and priorities.

The Innovation Fund would be available to community-based organizations across New York, and groups could apply for state funding directly. All young people regardless of their



community, including those in New York City, would benefit from the Fund. The Fund would also break-down current silos in funding that create arbitrary barriers to serving youth in different court systems by supporting programs and services for youth from age 12 through age 25.

Evidence shows that community-based programs and services for young people who have contact with police is the surest way to promote community safety. This year's state budget must include more pathways for unspent state dollars to reach counties and community based organizations, including adopting the Youth Justice Innovation Fund (S.643/A.8491).