S T A T E O F N E W Y O R K

5498--A

2011-2012 Regular Sessions

I N S E N A T E

May 25, 2011

Introduced by Sen. RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- recommitted to the Committee on Crime Victims, Crime and Correction in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law, in relation to parole violators

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The correction law is amended by adding a new section 23-a to read as follows:

S 23-A. TRANSFER OF PAROLE VIOLATORS. 1. IF ANY PERSON PRESUMPTIVELY RELEASED, PAROLED, CONDITIONALLY RELEASED, RELEASED TO POST-RELEASE SUPERVISION, OR RECEIVED UNDER THE UNIFORM ACT FOR OUT-OF-STATE PAROLEE SUPERVISION SHALL HAVE BEEN ARRESTED FOR VIOLATING ONE OR MORE CONDITIONS OF HIS OR HER PRESUMPTIVE RELEASE, PAROLE, CONDITIONAL RELEASE OR POST-RELEASE SUPERVISION, SUCH PERSON, AFTER TEN BUSINESS DAYS IN ANY LOCAL CORRECTIONAL FACILITY, SHALL EITHER BE:

A. TRANSFERRED TO A STATE CORRECTIONAL FACILITY, WITH THE COSTS AND RESPONSIBILITIES ASSOCIATED WITH SUCH TRANSFER BORNE BY THE DEPARTMENT PURSUANT TO SECTION SIX HUNDRED TWO OF THIS CHAPTER; OR

B. KEPT IN SUCH LOCAL CORRECTIONAL FACILITY, WITH THE COUNTY'S COSTS OF SUCH TEMPORARY DETAINMENT REIMBURSED BY THE DEPARTMENT WHERE SUCH PERSON HAS BEEN CONVICTED OF A PAROLE VIOLATION AND A SENTENCE HAS BEEN PRONOUNCED WHICH REQUIRES THAT HE OR SHE BE COMMITTED TO THE CUSTODY OF THE COMMISSIONER.

2. THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL NOT APPLY IN ANY CITY HAVING A POPULATION OF ONE MILLION OR MORE INHABITANTS, OR IF THE APPROPRIATE COURT GRANTS AN EXTENSION AUTHORIZING THE DETAINEE TO

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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REMAIN IN THE LOCAL CORRECTIONAL FACILITY FOR UP TO TWENTY DAYS PER EXTENSION.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made on or before such date.