2015-2016 Regular Sessions

I N   A S S E M B L Y

April 28, 2015
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Introduced by M. of A. CUSICK -- read once and referred to the Committee
  on Correction

AN ACT to amend the executive law, in relation to the retaking of
  certain persons absconding from parole or other conditional release

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

 1   Section 1. Short title. This act shall be know and may be cited as
 2 "Cesar's law".
 3   S 2. Paragraph (i) of subdivision 3 of section 259-i of the executive
 4 law, as amended by section 38-f-1 of subpart A of part C of chapter 62
 5 of the laws of 2011, is amended to read as follows:
 6   (i) Where there is reasonable cause to believe that a presumptive
 7 releasee, parolee, conditional releasee or person under post-release
 8 supervision has absconded from supervision the board may declare such
 9 person to be delinquent. IF SUCH PERSON HAS PREVIOUSLY BEEN CONVICTED OF
10 A CLASS A FELONY OFFENSE, OTHER THAN A CLASS A FELONY OFFENSE DEFINED IN
11 ARTICLE TWO HUNDRED TWENTY OF THE PENAL LAW, OR A VIOLENT FELONY OFFENSE
12 AS DEFINED IN SECTION 70.02 OF THE PENAL LAW, THE BOARD SHALL DECLARE
13 SUCH PERSON TO BE DELINQUENT AND A WARRANT SHALL BE ISSUED FOR THE
14 RETAKING OF SUCH PERSON AND FOR HIS OR HER TEMPORARY DETENTION ACCORDING
15 TO THE RULES OF THE BOARD, AND THE BOARD SHALL IMMEDIATELY NOTIFY THE
16 LAW ENFORCEMENT AGENCY HAVING JURISDICTION OF THE LOCALITY IN WHICH SUCH
17 ABSCONDER RESIDES. This paragraph shall not be construed to deny such
18 person a preliminary revocation hearing upon his OR HER retaking, nor to
19 relieve the department of any obligation it may have to exercise due
20 diligence to retake the alleged absconder, nor to relieve the parolee or
21 releasee of any obligation he OR SHE may have to comply with the condi-
22 tions of his OR HER release.
23   S 3. This act shall take effect immediately.

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