

STATE OF NEW YORK

3929

2025-2026 Regular Sessions

IN SENATE

January 30, 2025

Introduced by Sens. MYRIE, HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the correction law, in relation to authorizing certain incarcerated individuals serving indeterminate sentences to receive good time allowances against the minimum terms of their sentences not to exceed one-third of the actual minimum term imposed

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 803 of the correction law is amended by adding a
2 new subdivision 1-a to read as follows:

3 1-a. Every person confined in an institution of the department or a
4 facility in the department of mental hygiene serving an indeterminate
5 sentence of imprisonment, for an offense contained in article two
6 hundred twenty of the penal law, may receive time allowance against the
7 minimum term or period of their sentence not to exceed in the aggregate
8 one-third of the term or period imposed by the court. Such allowances
9 may be granted for good behavior and efficient and willing performance
10 of duties assigned or progress and achievement in an assigned treatment
11 program, and may be withheld, forfeited or canceled in whole or in part
12 for bad behavior, violation of institutional rules or failure to perform
13 properly in the duties or program assigned.

14 § 2. Section 803 of the correction law is amended by adding a new
15 subdivision 1-b to read as follows:

16 1-b. Every person confined in an institution of the department or a
17 facility in the department of mental hygiene serving an indeterminate
18 sentence of imprisonment, for an offense contained in article two
19 hundred twenty of the penal law, may receive time allowance against the
20 minimum term or period of their sentence not to exceed in the aggregate
21 one-third of the term or period imposed by the court. Such allowances
22 may be granted for good behavior and efficient and willing performance

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

LBD08334-01-5

1 of duties assigned or progress and achievement in an assigned treatment
2 program, and may be withheld, forfeited or canceled in whole or in part
3 for bad behavior, violation of institutional rules or failure to perform
4 properly in the duties or program assigned.

5 § 3. The opening paragraph of subdivision 2 of section 803 of the
6 correction law, as amended by chapter 3 of the laws of 1995, is amended
7 to read as follows:

8 If a person is serving more than one sentence, the authorized allow-
9 ances may be granted separately against the term or [~~maximum-term~~] terms
10 of each sentence or, where consecutive sentences are involved, against
11 the aggregate [~~maximum-term~~] terms. Such allowances shall be calculated
12 as follows:

13 § 4. Subdivision 2 of section 803 of the correction law, as amended by
14 chapter 126 of the laws of 1987, is amended to read as follows:

15 2. If a person is serving more than one sentence, the authorized
16 allowances may be granted separately against the [~~maximum-term~~] terms of
17 each sentence or, where consecutive sentences are involved, against the
18 aggregate [~~maximum-term~~] terms. In no case, however, shall the total of
19 all allowances granted to any such person under this section exceed
20 one-third of the time [~~he~~] they would be required to serve, computed
21 without regard to this section.

22 § 5. Section 803 of the correction law is amended by adding a new
23 subdivision 7 to read as follows:

24 7. The expiration of the minimum period of imprisonment, as set forth
25 in paragraph (a) of subdivision one of section 70.40 of the penal law,
26 paragraph (a) of subdivision two of section two hundred fifty-nine-i of
27 the executive law, and section eight hundred five of this article, shall
28 be deemed to mean the minimum period of imprisonment reduced by any time
29 allowance granted pursuant to subdivision one-a of this section. The
30 eligibility of an incarcerated individual to receive any time allowance
31 pursuant to subdivision one-a of this section shall not otherwise affect
32 such incarcerated individual's eligibility to participate in any depart-
33 ment program.

34 § 6. Subdivision 7 of section 803 of the correction law, as added by
35 section five of this act, is amended to read as follows:

36 7. The expiration of the minimum period of imprisonment, as set forth
37 in paragraph (a) of subdivision one of section 70.40 of the penal law,
38 paragraph (a) of subdivision two of section two hundred fifty-nine-i of
39 the executive law, and section eight hundred five of this article, shall
40 be deemed to mean the minimum period of imprisonment reduced by any time
41 allowance granted pursuant to subdivision [~~one-a~~] one-b of this section.
42 The eligibility of an incarcerated individual to receive any time allow-
43 ance pursuant to subdivision [~~one-a~~] one-b of this section shall not
44 otherwise affect such incarcerated individual's eligibility to partic-
45 ipate in any department program.

46 § 7. Section 805 of the correction law, as amended by section 226 of
47 chapter 322 of the laws of 2021, is amended to read as follows:

48 § 805. Earned eligibility program. Persons committed to the custody of
49 the department under an indeterminate or determinate sentence of impri-
50 sonment shall be assigned a work and treatment program as soon as prac-
51 ticable. No earlier than two months prior to the incarcerated individ-
52 ual's eligibility to be paroled pursuant to subdivision one of section
53 70.40 of the penal law, the commissioner shall review the incarcerated
54 individual's institutional record to determine whether [~~he or she~~] such
55 incarcerated individual has complied with the assigned program. If the
56 commissioner determines that the incarcerated individual has successful-

1 ly participated in the program [~~he or she~~] such commissioner may issue
2 the incarcerated individual a certificate of earned eligibility.
3 Notwithstanding any other provision of law, an incarcerated individual
4 who is serving a sentence with a minimum term of not more than eight
5 years and who has been issued a certificate of earned eligibility, shall
6 be granted parole release at the expiration of [~~his or her~~] such incar-
7 cerated individual's minimum term, or where applicable, at the expira-
8 tion of the minimum term reduced by any time allowances, or as author-
9 ized by subdivision four of section eight hundred sixty-seven of this
10 chapter unless the board of parole determines that there is a reasonable
11 probability that, if such incarcerated individual is released, [~~he or~~
12 ~~she~~] such incarcerated individual will not live and remain at liberty
13 without violating the law and that [~~his or her~~] such incarcerated indi-
14 vidual's release is not compatible with the welfare of society. Any
15 action by the commissioner pursuant to this section shall be deemed a
16 judicial function and shall not be reviewable if done in accordance with
17 law.

18 § 8. Section 805 of the correction law, as amended by section 226-a of
19 chapter 322 of the laws of 2021, is amended to read as follows:

20 § 805. Earned eligibility program. Persons committed to the custody of
21 the department under an indeterminate sentence of imprisonment shall be
22 assigned a work and treatment program as soon as practicable. No earlier
23 than two months prior to the expiration of an incarcerated individual's
24 minimum period of imprisonment, the commissioner shall review the incar-
25 cerated individual's institutional record to determine whether [~~he or~~
26 ~~she~~] such incarcerated individual has complied with the assigned
27 program. If the commissioner determines that the incarcerated individual
28 has successfully participated in the program [~~he or she~~] such commis-
29 sioner may issue the incarcerated individual a certificate of earned
30 eligibility. Notwithstanding any other provision of law, an incarcerated
31 individual who is serving a sentence with a minimum term of not more
32 than six years and who has been issued a certificate of earned eligibil-
33 ity, shall be granted parole release at the expiration of [~~his or her~~]
34 such incarcerated individual's minimum term, or where applicable, at the
35 expiration of the minimum term reduced by any time allowances, or as
36 authorized by subdivision four of section eight hundred sixty-seven of
37 this chapter unless the board of parole determines that there is a
38 reasonable probability that, if such incarcerated individual is
39 released, [~~he or she~~] such incarcerated individual will not live and
40 remain at liberty without violating the law and that [~~his or her~~] such
41 incarcerated individual's release is not compatible with the welfare of
42 society. Any action by the commissioner pursuant to this section shall
43 be deemed a judicial function and shall not be reviewable if done in
44 accordance with law.

45 § 9. This act shall take effect on the first of November next succeed-
46 ing the date on which it shall have become a law; provided, however,
47 that the amendments to section 803 of the correction law made by
48 sections one, three and five of this act shall be subject to the expira-
49 tion and reversion of such section pursuant to section 74 of chapter 3
50 of the laws of 1995, as amended, when upon such date the provisions of
51 sections two, four and six of this act shall take effect; and provided
52 further, however, that the amendments to section 805 of the correction
53 law made by section seven of this act shall be subject to the expiration
54 and reversion of such section pursuant to section 74 of chapter 3 of the
55 laws of 1995, as amended, when upon such date the provisions of section
56 eight of this act shall take effect.