

11051

I N   A S S E M B L Y

May 12, 2010

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Introduced by M. of A. LENTOL -- read once and referred to the Committee  
on Codes

AN ACT to amend the criminal procedure law, in relation to a sentence of  
parole supervision

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

1     Section 1. Subdivision 1 of section 410.91 of the criminal procedure  
2 law, as added by chapter 3 of the laws of 1995, is amended to read as  
3 follows:

4     1. A sentence of parole supervision is an indeterminate sentence of  
5 imprisonment, OR A DETERMINATE SENTENCE OF IMPRISONMENT IMPOSED PURSUANT  
6 TO PARAGRAPHS (B) AND (D) OF SUBDIVISION THREE OF SECTION 70.70 OF THE  
7 PENAL LAW, which may be imposed upon an eligible defendant, as defined  
8 in subdivision two of this section. [Such] IF AN INDETERMINATE SENTENCE,  
9 SUCH sentence shall have a minimum term and a maximum term within the  
10 ranges specified by subdivisions three and four of section 70.06 of the  
11 penal law. IF A DETERMINATE SENTENCE, SUCH SENTENCE SHALL HAVE A TERM  
12 WITHIN THE RANGES SPECIFIED BY SUBPARAGRAPHS (III) AND (IV) OF PARAGRAPH  
13 (B) OF SUBDIVISION THREE OF SECTION 70.70 OF THE PENAL LAW. Provided,  
14 however, if the court directs that the sentence be executed as a  
15 sentence of parole supervision, it shall remand the defendant for imme-  
16 diate delivery to a reception center operated by the state department of  
17 correctional services, in accordance with section 430.20 of this chapter  
18 and SECTION six hundred one of the correction law, for a period not to  
19 exceed ten days. An individual who receives such a sentence shall be  
20 placed under the immediate supervision of the state division of parole  
21 and must comply with the conditions of parole, which shall include an  
22 initial placement in a drug treatment campus for a period of ninety days  
23 at which time the defendant shall be released therefrom.

24     S 2. Subdivision 3 of section 410.91 of the criminal procedure law, as  
25 added by chapter 3 of the laws of 1995, is amended to read as follows:

26     3. When an indeterminate OR DETERMINATE sentence of imprisonment is  
27 imposed upon an eligible defendant for a specified offense, as defined  
28 in subdivision five of this section, the court may direct that such

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

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1 sentence be executed as a sentence of parole supervision if the court  
2 finds (i) that the defendant has a history of controlled substance  
3 dependence that is a significant contributing factor to such defendant's  
4 criminal conduct; (ii) that such defendant's controlled substance  
5 dependence could be appropriately addressed by a sentence of parole  
6 supervision; and (iii) that imposition of such a sentence would not have  
7 an adverse effect on public safety or public confidence in the integrity  
8 of the criminal justice system.

9 S 3. This act shall take effect immediately; provided however that the  
10 amendments to subdivisions 1 and 3 of section 410.91 of the criminal  
11 procedure law made by sections one and two of this act shall not affect  
12 the repeal of such section and shall be deemed to be repealed therewith.