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

11391

I N A S S E M B L Y

June 9, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Aubry, Sayward) -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to eligibility for the shock program

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

Section 1. Subdivision 1 of section 865 of the correction law, as amended by section 1 of part L of chapter 56 of the laws of 2009, is amended to read as follows:

1. "Eligible inmate" means a person sentenced to an indeterminate term of imprisonment who will become eligible for release on parole within three years or sentenced to a determinate term of imprisonment who will become eligible for conditional release within three years, who has not reached the age of fifty years, who has not previously been convicted of a VIOLENT felony AS DEFINED IN ARTICLE SEVENTY OF THE PENAL LAW, OR A FELONY IN ANY OTHER JURISDICTION WHICH INCLUDES ALL OF THE ESSENTIAL ELEMENTS OF ANY SUCH VIOLENT FELONY, upon which an indeterminate or determinate term of imprisonment was imposed and who was between the ages of sixteen and fifty years at the time of commission of the crime upon which his or her present sentence was based [except, however, an eligible inmate shall not include a person sentenced as a second felony drug offender pursuant to subdivision four of section 70.70 of the penal law for a conviction of a class B felony offense defined in article two hundred twenty of the penal law]. Notwithstanding the foregoing, no person who is convicted of any of the following crimes shall be deemed eligible to participate in this program: (a) a violent felony offense as defined in article seventy of the penal law, (b) an A-I felony offense, (c) any homicide offense as defined in article one hundred twenty-five of the penal law, (d) any felony sex offense as defined in article one hundred thirty of the penal law and (e) any escape or absconding offense as defined in article two hundred five of the penal law.

S 2. This act shall take effect immediately.

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

LBD17669-01-0