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

7564

2009-2010 Regular Sessions

I N A S S E M B L Y

April 14, 2009

Introduced by M. of A. AUBRY -- (at request of the Department of Correctional Services) -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to merit time and presumptive release for non-violent inmates

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

Section 1. Subparagraph (iv) of paragraph (d) of subdivision 1 of section 803 of the correction law, as added by chapter 738 of the laws of 2004, is amended to read as follows:

(iv) Such merit time allowance may be granted when an inmate successfully participates in the work and treatment program assigned pursuant to section eight hundred five of this article and when such inmate obtains a general equivalency diploma, an alcohol and substance abuse treatment certificate, a vocational trade certificate following at least six months of vocational programming or performs at least four hundred hours of service as part of a community work crew.

Such allowance shall be withheld for any serious disciplinary infraction, OVERALL POOR INSTITUTIONAL RECORD or upon a judicial determination that the person, while an inmate, commenced or continued a civil action, proceeding or claim that was found to be frivolous as defined in subdivision (c) of section eight thousand three hundred three-a of the civil practice law and rules, or an order of a federal court pursuant to rule 11 of the federal rules of civil procedure imposing sanctions in an action commenced by a person, while an inmate, against a state agency, officer or employee.

S 2. Paragraph (ii) of subdivision 1 of section 806 of the correction law, as added by section 5 of part E of chapter 62 of the laws of 2003, is amended to read as follows:

(ii) the inmate has not committed any serious disciplinary infraction, OR MAINTAINED AN OVERALL POOR INSTITUTIONAL RECORD, and

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

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S 3. This act shall take effect immediately; provided that:

(a) the amendment to subparagraph (iv) of paragraph (d) of subdivision 1 of section 803 of the correction law made by section one of this act shall not affect the expiration of such section pursuant to chapter 3 of the laws of 1995, as amended, and shall be deemed to expire therewith; and

(b) the amendment to paragraph (ii) of subdivision 1 of section 806 of the correction law made by section two of this act shall not affect the repeal of such section pursuant to chapter 435 of the laws of 1997, as amended, and shall be deemed repealed therewith.