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

8613

2009-2010 Regular Sessions

I N A S S E M B L Y

May 29, 2009

Introduced by M. of A. PERALTA, 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 certain persons sentenced to parole supervision

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

Section 1. Subdivision 20 of section 2 of the correction law, as added by chapter 3 of the laws of 1995, is amended to read as follows:

20. "Drug treatment campus" means a facility operated by the department to provide a program of intensive drug treatment services for individuals sentenced to parole supervision sentences pursuant to section 410.91 of the criminal procedure law or for certain parole violators. [Such institution may also be used for certain offenders confined by the department who have been granted early parole release pursuant to a chapter of the laws of nineteen hundred ninety-five which added this subdivision and who, in the judgment of a member or members of the board of parole, warrant such placement.] All such treatment services shall be provided by, or with the approval of and pursuant to a plan developed in conjunction with, the office of alcoholism and substance abuse services, and which plan shall include but not be limited to provision for an appropriate continuum of care that includes a needs assessment and treatment services for individuals while at this facility and upon discharge from such facility, including an enhanced aftercare program. NOTWITHSTANDING THE FOREGOING, IN THE EVENT THAT A PERSON SENTENCED TO PAROLE SUPERVISION PURSUANT TO SECTION 410.91 OF THE CRIMINAL PROCEDURE LAW REQUIRES A DEGREE OF MEDICAL CARE OR MENTAL HEALTH CARE THAT CANNOT BE PROVIDED AT A DRUG TREATMENT CAMPUS, THE DEPARTMENT, IN WRITING, SHALL NOTIFY THE PERSON, PROVIDE A PROPOSAL DESCRIBING A PROPOSED ALTERNATIVE-TO-THE-DRUG-TREATMENT-CAMPUS PROGRAM, AND NOTIFY HIM OR HER THAT HE OR SHE MAY OBJECT IN WRITING TO PLACEMENT IN SUCH

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

LBD06820-03-9

ALTERNATIVE-TO-THE-DRUG-TREATMENT-CAMPUS PROGRAM. IF THE PERSON OBJECTS IN WRITING TO PLACEMENT IN SUCH ALTERNATIVE-TO-THE-DRUG-TREATMENT-CAMPUS PROGRAM, THE DEPARTMENT SHALL NOTIFY THE SENTENCING COURT, PROVIDE SUCH PROPOSAL TO THE COURT, AND ARRANGE FOR THE PERSON'S PROMPT APPEARANCE BEFORE THE COURT. THE COURT SHALL PROVIDE THE PROPOSAL AND NOTICE OF A COURT APPEARANCE TO THE PROSECUTOR, THE PERSON AND THE APPROPRIATE DEFENSE ATTORNEY. AFTER CONSIDERING THE PROPOSAL AND ANY SUBMISSIONS BY THE PARTIES, AND AFTER A REASONABLE OPPORTUNITY FOR THE PROSECUTOR, THE PERSON AND COUNSEL TO BE HEARD, THE COURT MAY MODIFY ITS SENTENCING ORDER ACCORDINGLY, NOTWITHSTANDING THE PROVISIONS OF SECTION 430.10 OF THE CRIMINAL PROCEDURE LAW. A PERSON WHO SUCCESSFULLY COMPLETES AN ALTERNATIVE-TO-THE-DRUG-TREATMENT-CAMPUS PROGRAM WITHIN THE DEPARTMENT SHALL BE TREATED IN THE SAME MANNER AS A PERSON WHO HAS SUCCESSFULLY COMPLETED THE DRUG TREATMENT CAMPUS PROGRAM, AS SET FORTH HEREIN AND IN SECTION 410.91 OF THE CRIMINAL PROCEDURE LAW.

S 2. This act shall take effect immediately.