

10237

I N A S S E M B L Y

May 15, 2012

Introduced by M. of A. WEISENBERG -- read once and referred to the
Committee on Correction

AN ACT to amend the executive law, in relation to temporary detention of
persons whose presumptive release, parole, conditional release or
post-release supervision alleged to have violated the terms of their
release

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

1 Section 1. Subparagraph (i) of paragraph (a) of subdivision 3 of
2 section 259-i of the executive law, as amended by section 38-f-1 of
3 subpart A of part C of chapter 62 of the laws of 2011, is amended to
4 read as follows:
5 (i) If the parole officer having charge of a presumptively released,
6 paroled or conditionally released person or a person released to post-
7 release supervision or a person received under the uniform act for out-
8 of-state parolee supervision shall have reasonable cause to believe that
9 such person has lapsed into criminal ways or company, or has violated
10 one or more conditions of his presumptive release, parole, conditional
11 release or post-release supervision, such parole officer shall report
12 such fact to a member of the board, or to any officer of the department
13 designated by the board, and thereupon a warrant may be issued for the
14 retaking of such person and for his temporary detention in accordance
15 with the rules of the board. The retaking and detention of any such
16 person may be further regulated by rules and regulations of the depart-
17 ment not inconsistent with this article. A warrant issued pursuant to
18 this section shall constitute sufficient authority to the superintendent
19 or other person in charge of any jail, penitentiary, lockup or detention
20 pen to whom it is delivered to hold in temporary detention the person
21 named therein; except that a warrant issued with respect to a person who
22 has been released on medical parole pursuant to section two hundred
23 fifty-nine-r of this article and whose parole is being revoked pursuant
24 to paragraph (h) of subdivision four of such section shall [constitute
25 authority for] REQUIRE the immediate placement of the parolee only into
26 imprisonment in the custody of the department to hold in temporary

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

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1 detention. IN INSTANCES IN WHICH SUCH PERSON HAS BEEN PLACED IN THE
2 TEMPORARY DETENTION OF A LOCAL CORRECTIONAL FACILITY, THE PERIOD OF
3 TEMPORARY DETENTION IN THE CUSTODY OF SUCH LOCAL CORRECTIONAL FACILITY
4 SHALL NOT EXCEED SEVENTY-TWO HOURS AND THEREAFTER THE PERSON SHALL BE
5 TRANSFERRED TO THE CUSTODY OF THE DEPARTMENT TO HOLD IN TEMPORARY
6 DETENTION. A warrant issued pursuant to this section shall also consti-
7 tute sufficient authority to the person in charge of a drug treatment
8 campus, as defined in subdivision twenty of section two of the
9 correction law, to hold the person named therein, in accordance with the
10 procedural requirements of this section, for a period of at least ninety
11 days to complete an intensive drug treatment program mandated by the
12 board as an alternative to presumptive release or parole or conditional
13 release revocation, or the revocation of post-release supervision, and
14 shall also constitute sufficient authority for return of the person
15 named therein to local custody to hold in temporary detention for
16 further revocation proceedings in the event said person does not
17 successfully complete the intensive drug treatment program. The board's
18 rules shall provide for cancellation of delinquency and restoration to
19 supervision upon the successful completion of the program.

20 S 2. This act shall take effect on the one hundred twentieth day after
21 it shall have become a law, provided that, effective immediately, any
22 rules and regulations necessary to implement the provisions of this act
23 on its effective date are authorized and directed to be promulgated,
24 amended and/or repealed on or before such date.