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I N   S E N A T E

March 15, 2012

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Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and 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 ASSEMBLY, 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

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

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

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25 amended and/or repealed on or before such date.