

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.

LBD15022-02-2

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.