

5498

2011-2012 Regular Sessions

I N   S E N A T E

May 25, 2011

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Introduced by Sen. RITCHIE -- 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 correction law, in relation to parole violators

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

1     Section 1. The correction law is amended by adding a new section 23-a  
2 to read as follows:

3     S 23-A. TRANSFER OF PAROLE VIOLATORS. 1. IF ANY PERSON PRESUMPTIVELY  
4 RELEASED, PAROLED, CONDITIONALLY RELEASED, RELEASED TO POST-RELEASE  
5 SUPERVISION, OR RECEIVED UNDER THE UNIFORM ACT FOR OUT-OF-STATE PAROLEE  
6 SUPERVISION SHALL HAVE BEEN ARRESTED FOR VIOLATING ONE OR MORE CONDI-  
7 TIONS OF HIS OR HER PRESUMPTIVE RELEASE, PAROLE, CONDITIONAL RELEASE OR  
8 POST-RELEASE SUPERVISION, SUCH PERSON, AFTER TEN BUSINESS DAYS IN ANY  
9 LOCAL CORRECTIONAL FACILITY, SHALL EITHER BE:

10     A. TRANSFERRED TO A STATE CORRECTIONAL FACILITY, WITH THE COSTS AND  
11 RESPONSIBILITIES ASSOCIATED WITH SUCH TRANSFER BORNE BY THE DEPARTMENT  
12 PURSUANT TO SECTION SIX HUNDRED TWO OF THIS CHAPTER; OR

13     B. KEPT IN SUCH LOCAL CORRECTIONAL FACILITY, WITH THE COUNTY'S COSTS  
14 OF SUCH TEMPORARY DETAINMENT REIMBURSED BY THE DEPARTMENT WHERE SUCH  
15 PERSON HAS BEEN CONVICTED OF A PAROLE VIOLATION AND A SENTENCE HAS BEEN  
16 PRONOUNCED WHICH REQUIRES THAT HE OR SHE BE COMMITTED TO THE CUSTODY OF  
17 THE COMMISSIONER.

18     2. THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL NOT APPLY  
19 IF THE APPROPRIATE COURT GRANTS AN EXTENSION AUTHORIZING THE DETAINEE TO  
20 REMAIN IN THE LOCAL CORRECTIONAL FACILITY FOR UP TO TWENTY DAYS PER  
21 EXTENSION.

22     S 2. This act shall take effect on the one hundred twentieth day after  
23 it shall have become a law; provided, however, that effective immediate-  
24 ly, the addition, amendment and/or repeal of any rule or regulation  
25 necessary for the implementation of this act on its effective date is  
26 authorized to be made on or before such date.

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

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