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

8575

2015-2016 Regular Sessions

I N A S S E M B L Y

November 16, 2015

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

AN ACT to amend the executive law, in relation to creating uniform baseline standards for drug testing persons on probation or parole

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

Section 1. Section 243 of the executive law is amended by adding a new subdivision 5 to read as follows:

5. (A) THE DIRECTOR, AFTER CONSULTATION WITH THE STATE PROBATION COMMISSION, THE COMMISSIONER, AND THE COMMISSIONER OF HEALTH, SHALL PROMULGATE UNIFORM BASELINE STANDARDS FOR DRUG TESTING PERSONS ON PROBATION. SUCH BASELINE STANDARDS MUST INSTRUCT LOCAL PROBATION DEPARTMENTS ON THE MINIMAL PROCEDURES TO BE USED DURING COURT ORDERED DRUG TESTING AND MUST REQUIRE LOCAL PROBATION DEPARTMENTS TO TEST FOR:

(I) OPIATES.

(II) COCAINE.

(III) MARIHUANA.

(IV) SYNTHETIC CANNABINOIDS.

(V) HALLUCINOGENIC SUBSTANCES.

(VI) AMPHETAMINES.

(B) THIS SUBDIVISION SHALL NOT PREEMPT LOCAL PROBATION DEPARTMENTS AND MUNICIPALITIES WITH STRICTER BASELINE STANDARDS ALREADY IN PLACE.

S 2. Section 259-c of the executive law is amended by adding a new subdivision 18 to read as follows:

18. (A) RECOMMEND UNIFORM BASELINE STANDARDS FOR DRUG TESTING PAROLEES TO THE COMMISSIONER OF THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, WHO IN CONSULTATION WITH THE COMMISSIONER OF HEALTH, SHALL PROMULGATE SUCH BASELINE STANDARDS FOR DRUG TESTING PAROLEES. SUCH BASELINE STANDARDS MUST INSTRUCT THE DEPARTMENT ON MINIMAL PROCEDURES TO BE USED DURING COURT ORDERED DRUG TESTING AND MUST REQUIRE THE DEPARTMENT TO TEST FOR:

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

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(I) OPIATES.
(II) COCAINE.
(III) MARIHUANA.
(IV) SYNTHETIC CANNABINOIDS.
(V) HALLUCINOGENIC SUBSTANCES.
(VI) AMPHETAMINES.
(B) THIS SUBDIVISION SHALL NOT PREEMPT LOCAL REGIONS OF THE DEPARTMENT WITH STRICTER BASELINE STANDARDS ALREADY IN PLACE.

S 3. This act shall take effect immediately.