

2064--B

2015-2016 Regular Sessions

I N S E N A T E

January 21, 2015

Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Crime Victims, Crime and Correction in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 chapter 545 of the  
3 laws of 2015, is amended to read as follows:  
4 (i) If the parole officer having charge of a presumptively released,  
5 paroled or conditionally released person or a person released to post-  
6 release supervision or a person received under the uniform act for out-  
7 of-state parolee supervision shall have reasonable cause to believe that  
8 such person has lapsed into criminal ways or company, or has violated  
9 one or more conditions of his presumptive release, parole, conditional  
10 release or post-release supervision, such parole officer shall report  
11 such fact to a member of the board, or to any officer of the department  
12 designated by the board, and thereupon a warrant may be issued for the  
13 retaking of such person and for his temporary detention in accordance  
14 with the rules of the board unless such person has been determined to be  
15 currently unfit to proceed to trial or is currently subject to a tempo-  
16 rary or final order of observation pursuant to article seven hundred

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

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1 thirty of the criminal procedure law, in which case no warrant shall be  
2 issued. The retaking and detention of any such person may be further  
3 regulated by rules and regulations of the department not inconsistent  
4 with this article. A warrant issued pursuant to this section shall  
5 constitute sufficient authority to the superintendent or other person in  
6 charge of any jail, penitentiary, lockup or detention pen to whom it is  
7 delivered to hold in temporary detention the person named therein, AND  
8 THE PERIOD OF TEMPORARY DETENTION IN THE CUSTODY OF SUCH LOCAL CORREC-  
9 TIONAL FACILITY SHALL NOT EXCEED SEVENTY-TWO HOURS AND THEREAFTER THE  
10 PERSON SHALL BE TRANSFERRED TO THE CUSTODY OF THE DEPARTMENT TO BE HELD  
11 IN TEMPORARY CUSTODY; except that a warrant issued with respect to a  
12 person who has been released on medical parole pursuant to section two  
13 hundred fifty-nine-r of this article and whose parole is being revoked  
14 pursuant to paragraph (h) of subdivision four of such section shall  
15 constitute authority for AND REQUIRE the immediate placement of the  
16 parolee only into imprisonment in the custody of the department to hold  
17 in temporary detention. A warrant issued pursuant to this section shall  
18 also constitute sufficient authority to the person in charge of a drug  
19 treatment campus, as defined in subdivision twenty of section two of the  
20 correction law, to hold the person named therein, in accordance with the  
21 procedural requirements of this section, for a period of at least ninety  
22 days to complete an intensive drug treatment program mandated by the  
23 board as an alternative to presumptive release or parole or conditional  
24 release revocation, or the revocation of post-release supervision, and  
25 shall also constitute sufficient authority for return of the person  
26 named therein to local custody to hold in temporary detention for  
27 further revocation proceedings in the event said person does not  
28 successfully complete the intensive drug treatment program. The board's  
29 rules shall provide for cancellation of delinquency and restoration to  
30 supervision upon the successful completion of the program.

31 S 2. This act shall take effect on the one hundred twentieth day after  
32 it shall have become a law; provided, that if chapter 545 of the laws of  
33 2015 shall not have taken effect on or before such effective date, then  
34 this act shall take effect on the same date and in the same manner as  
35 chapter 545 of the laws of 2015 takes effect; and provided, further,  
36 that, effective immediately, any rules and regulations necessary to  
37 implement the provisions of this act on its effective date are author-  
38 ized and directed to be promulgated, amended and/or repealed on or  
39 before such date.