

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.