

7036--A

I N S E N A T E

March 17, 2016

Introduced by Sens. AVELLA, AKSHAR -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Drug Abuse -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law, in relation to the use of electronic monitoring for certain participants in judicial diversion programs

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

1 Section 1. Subdivision 5 of section 216.05 of the criminal procedure
2 law, as amended by chapter 258 of the laws of 2015, is amended to read
3 as follows:
4 5. The defendant shall agree on the record or in writing to abide by
5 the release conditions set by the court, which, shall include: partic-
6 ipation in a specified period of alcohol or substance abuse treatment at
7 a specified program or programs identified by the court, which may
8 include periods of detoxification, residential or outpatient treatment,
9 or both, as determined after taking into account the views of the health
10 care professional who conducted the alcohol and substance abuse evalu-
11 ation and any health care professionals responsible for providing such
12 treatment or monitoring the defendant's progress in such treatment; and
13 may include: (i) periodic court appearances, which may include periodic
14 urinalysis; (II) UPON THE DISCRETION OF THE COURT, MAY BE ACCOMPANIED BY
15 THE REQUIREMENT THAT THE DEFENDANT SUBMIT TO THE USE OF A CONTINUAL
16 ELECTRONIC MONITORING DEVICE IN ACCORDANCE WITH THE PROVISIONS OF SUBDI-
17 VISION FOUR OF SECTION 65.10 OF THE PENAL LAW; [(ii)] (III) a require-
18 ment that the defendant refrain from engaging in criminal behaviors;
19 [(iii)] (IV) if the defendant needs treatment for opioid abuse or
20 dependence, that he or she may participate in and receive medically
21 prescribed drug treatments under the care of a health care professional
22 licensed or certified under title eight of the education law, acting
23 within his or her lawful scope of practice.
24 S 2. This act shall take effect immediately and shall apply to all
25 agreements entered into on and after such date.

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

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