

2064--A

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

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 section 38-f-1 of
3 subpart A of part C of chapter 62 of the laws of 2011, is amended to
4 read as follows:
5 (i) If the parole officer having charge of a presumptively released,
6 paroled or conditionally released person or a person released to post-
7 release supervision or a person received under the uniform act for out-
8 of-state parolee supervision shall have reasonable cause to believe that
9 such person has lapsed into criminal ways or company, or has violated
10 one or more conditions of his presumptive release, parole, conditional
11 release or post-release supervision, such parole officer shall report
12 such fact to a member of the board, or to any officer of the department
13 designated by the board, and thereupon a warrant may be issued for the
14 retaking of such person and for his temporary detention in accordance
15 with the rules of the board. The retaking and detention of any such
16 person may be further regulated by rules and regulations of the depart-
17 ment not inconsistent with this article. A warrant issued pursuant to
18 this section shall constitute sufficient authority to the superintendent
19 or other person in charge of any jail, penitentiary, lockup or detention
20 pen to whom it is delivered to hold in temporary detention the person

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

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1 named therein, AND THE PERIOD OF TEMPORARY DETENTION IN THE CUSTODY OF
2 SUCH LOCAL CORRECTIONAL FACILITY SHALL NOT EXCEED SEVENTY-TWO HOURS AND
3 THEREAFTER THE PERSON SHALL BE TRANSFERRED TO THE CUSTODY OF THE DEPART-
4 MENT TO BE HELD IN TEMPORARY CUSTODY; except that a warrant issued with
5 respect to a person who has been released on medical parole pursuant to
6 section two hundred fifty-nine-r of this article and whose parole is
7 being revoked pursuant to paragraph (h) of subdivision four of such
8 section shall constitute authority for AND REQUIRE the immediate place-
9 ment of the parolee only into imprisonment in the custody of the depart-
10 ment to hold in temporary detention. A warrant issued pursuant to this
11 section shall also constitute sufficient authority to the person in
12 charge of a drug treatment campus, as defined in subdivision twenty of
13 section two of the correction law, to hold the person named therein, in
14 accordance with the procedural requirements of this section, for a peri-
15 od of at least ninety days to complete an intensive drug treatment
16 program mandated by the board as an alternative to presumptive release
17 or parole or conditional release revocation, or the revocation of post-
18 release supervision, and shall also constitute sufficient authority for
19 return of the person named therein to local custody to hold in temporary
20 detention for further revocation proceedings in the event said person
21 does not successfully complete the intensive drug treatment program. The
22 board's rules shall provide for cancellation of delinquency and restora-
23 tion to supervision upon the successful completion of the program.

24 S 2. This act shall take effect on the one hundred twentieth day after
25 it shall have become a law, provided that, effective immediately, any
26 rules and regulations necessary to implement the provisions of this act
27 on its effective date are authorized and directed to be promulgated,
28 amended and/or repealed on or before such date.