

5173

2015-2016 Regular Sessions

I N S E N A T E

May 6, 2015

Introduced by Sen. NOZZOLIO -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to an ignition interlock device as a condition of probation or conditional discharge

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

1 Section 1. Subdivision 2 of section 65.15 of the penal law, as amended
2 by chapter 1097 of the laws of 1971, is amended to read as follows:
3 2. When a person has violated the conditions of his OR HER probation
4 or conditional discharge and is declared delinquent by the court, the
5 declaration of delinquency shall interrupt the period of the sentence as
6 of the date of the delinquency and such interruption shall continue
7 until a final determination as to the delinquency has been made by the
8 court pursuant to a hearing held in accordance with the provisions of
9 the criminal procedure law. ANY ORDER FOR THE INSTALLATION AND MAINTENANCE
10 OF A FUNCTIONING IGNITION INTERLOCK DEVICE IMPOSED PURSUANT TO
11 SECTION 60.21 OF THIS TITLE SHALL REMAIN IN EFFECT THROUGHOUT THE DELINQUENCY
12 AND THE COURT MAY EXTEND THE PERIOD OF SUCH INSTALLATION AND
13 MAINTENANCE BY THE PERIOD OF THE DELINQUENCY; PROVIDED, HOWEVER, THAT
14 THE DEFENDANT SHALL GET CREDIT FOR ANY PERIOD WHERE THE DEVICE WAS
15 INSTALLED AND MAINTAINED DURING THE DELINQUENCY.
16 S 2. This act shall take effect immediately.

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

LBD09699-02-5