

# STATE OF NEW YORK

11082

## IN ASSEMBLY

October 7, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Weprin) --  
read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to public health emergency allowances against sentences for certain incarcerated individuals

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The correction law is amended by adding a new section 803-c  
2 to read as follows:

3 § 803-c. Public health emergency allowances against indeterminate and  
4 determinate sentences. 1. Every person confined in an institution of the  
5 department or a facility in the department of mental hygiene serving an  
6 indeterminate or determinate sentence of imprisonment, except a person  
7 serving a sentence with a maximum term of life imprisonment, shall  
8 receive a public health emergency time allowance against the term or  
9 maximum term of his or her sentence imposed by the court. Such allow-  
10 ances shall be granted for time served during a public health emergency  
11 in accordance with this section if:

12 (a) the governor declares a state of disaster emergency pursuant to  
13 section twenty-eight of the executive law in response to such public  
14 health emergency;

15 (b) the public health emergency arises as a result of a communicable  
16 or infectious disease; and

17 (c) the public health emergency results in the modification of correc-  
18 tional facility operations.

19 2. Except as provided by subdivision three of this section, public  
20 health emergency allowances awarded pursuant to subdivision one of this  
21 section shall provide further remission from both the maximum and mini-  
22 mum term of an incarcerated individual's sentence at the rate of six  
23 months for each month, or portion thereof, served during a state of  
24 disaster emergency declared by the governor pursuant to section twenty-  
25 eight of the executive law in response to the public health emergency.

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

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1     3. Public health emergency allowances shall not be available to any  
2     person serving an indeterminate or determinate sentence authorized for a  
3     sex offense under article one hundred thirty of the penal law.

4     4. An incarcerated individual shall not be awarded a public health  
5     emergency allowance in excess of twelve months of remission for any  
6     single public health emergency.

7     § 2. This act shall take effect immediately.