

# STATE OF NEW YORK

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5450

2019-2020 Regular Sessions

## IN SENATE

May 1, 2019

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Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to treatment programs and treatment court during interim probation supervision

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

1 Section 1. Paragraph (a) of subdivision 6 of section 390.30 of the  
2 criminal procedure law, as separately amended by section 1 of part O and  
3 section 5 of part AAA of chapter 56 of the laws of 2009, is amended to  
4 read as follows:

5 (a) In any case where the court determines that a defendant is eligi-  
6 ble for a sentence of probation, the court, after consultation with the  
7 prosecutor and upon the consent of the defendant, may adjourn the  
8 sentencing to a specified date and order that the defendant be placed on  
9 interim probation supervision. In no event may the sentencing be  
10 adjourned for a period exceeding one year from the date the conviction  
11 is entered, except that upon good cause shown, the court may, upon the  
12 defendant's consent, extend the period for an additional one year where  
13 the defendant has agreed to and is still participating in a [~~substance~~  
14 ~~abuse~~] treatment program in connection with a court designated a [~~drug~~  
15 ~~treatment~~] court by the chief administrator of the courts. When ordering  
16 that the defendant be placed on interim probation supervision, the court  
17 shall impose all of the conditions relating to supervision specified in  
18 subdivision three of section 65.10 of the penal law and the court may  
19 impose any or all of the conditions relating to conduct and rehabili-  
20 tation specified in subdivisions two, four, five and five-a of section  
21 65.10 of such law. The defendant must receive a written copy of any such  
22 conditions at the time he or she is placed on interim probation super-  
23 vision. The defendant's record of compliance with such conditions, as  
24 well as any other relevant information, shall be included in the presen-  
25 tence report, or updated presentence report, prepared pursuant to this

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

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1 section, and the court must consider such record and information when  
2 pronouncing sentence. If a defendant satisfactorily completes a term of  
3 interim probation supervision, he or she shall receive credit for the  
4 time served under the period of interim probation supervision toward any  
5 probation sentence that is subsequently imposed in that case.

6 § 2. This act shall take effect on the sixtieth day after it shall  
7 have become a law.