

STATE OF NEW YORK

974

2019-2020 Regular Sessions

IN SENATE

January 9, 2019

Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

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 chapter 545 of the
3 laws of 2015, is amended to read as follows:
4 (i) If the parole officer having charge of a presumptively released,
5 paroled or conditionally released person or a person released to post-
6 release supervision or a person received under the uniform act for out-
7 of-state parolee supervision shall have reasonable cause to believe that
8 such person has lapsed into criminal ways or company, or has violated
9 one or more conditions of his presumptive release, parole, conditional
10 release or post-release supervision, such parole officer shall report
11 such fact to a member of the board, or to any officer of the department
12 designated by the board, and thereupon a warrant may be issued for the
13 retaking of such person and for his temporary detention in accordance
14 with the rules of the board unless such person has been determined to be
15 currently unfit to proceed to trial or is currently subject to a tempo-
16 rary or final order of observation pursuant to article seven hundred
17 thirty of the criminal procedure law, in which case no warrant shall be
18 issued. The retaking and detention of any such person may be further
19 regulated by rules and regulations of the department not inconsistent
20 with this article. A warrant issued pursuant to this section shall
21 constitute sufficient authority to the superintendent or other person in
22 charge of any jail, penitentiary, lockup or detention pen to whom it is

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

LBD03020-01-9

1 delivered to hold in temporary detention the person named therein, and
2 the period of temporary detention in the custody of such local correc-
3 tional facility shall not exceed seventy-two hours and thereafter the
4 person shall be transferred to the custody of the department to be held
5 in temporary custody; except that a warrant issued with respect to a
6 person who has been released on medical parole pursuant to section two
7 hundred fifty-nine-r of this article and whose parole is being revoked
8 pursuant to paragraph (h) of subdivision four of such section shall
9 constitute authority for and require the immediate placement of the
10 parolee only into imprisonment in the custody of the department to hold
11 in temporary detention. A warrant issued pursuant to this section shall
12 also constitute sufficient authority to the person in charge of a drug
13 treatment campus, as defined in subdivision twenty of section two of the
14 correction law, to hold the person named therein, in accordance with the
15 procedural requirements of this section, for a period of at least ninety
16 days to complete an intensive drug treatment program mandated by the
17 board as an alternative to presumptive release or parole or conditional
18 release revocation, or the revocation of post-release supervision, and
19 shall also constitute sufficient authority for return of the person
20 named therein to local custody to hold in temporary detention for
21 further revocation proceedings in the event said person does not
22 successfully complete the intensive drug treatment program. The board's
23 rules shall provide for cancellation of delinquency and restoration to
24 supervision upon the successful completion of the program.

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