

# STATE OF NEW YORK

10386

## IN ASSEMBLY

May 4, 2020

Introduced by M. of A. WEPRIN -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to establishing emergency release protocols during a time of crisis

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 807  
2 to read as follows:  
3 § 807. Emergency release during a time of crisis. 1. During an epidem-  
4 ic, a natural disaster, a climate disaster, a war or other similar emer-  
5 gency which places the lives, health or well-being of people in custody  
6 at risk, the commissioner shall have the authority to release to commu-  
7 nity supervision any person in custody who:  
8 (a) is within two years of his or her earliest release date;  
9 (b) has a stable living situation upon release;  
10 (c) does not pose an unreasonable public safety risk; and  
11 (d) appears to be rehabilitated, or is elderly, frail or immunocom-  
12 promised, or has a disability as defined in paragraph (a) of subdivision  
13 twenty-one of section two hundred ninety-two of the executive law.  
14 2. Any pregnant woman or woman participating in the nursery program at  
15 a correctional facility shall be released to community supervision  
16 during such emergency unless she presents an exceptional public safety  
17 risk.  
18 3. Any person over the age of fifty-five who has completed at least  
19 one half of his or her minimum sentence may be released in such an emer-  
20 gency.  
21 4. Such emergency release shall not be revoked when the emergency  
22 concludes as long as any person so released complies with the terms and  
23 conditions of community supervision.  
24 § 2. This act shall take effect immediately.

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

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