

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:

Section 1. The correction law is amended by adding a new section 807 to read as follows:

§ 807. Emergency release during a time of crisis. 1. During an epidemic, a natural disaster, a climate disaster, a war or other similar emergency which places the lives, health or well-being of people in custody at risk, the commissioner shall have the authority to release to community supervision any person in custody who:

(a) is within two years of his or her earliest release date;

(b) has a stable living situation upon release;

(c) does not pose an unreasonable public safety risk; and

(d) appears to be rehabilitated, or is elderly, frail or immunocompromised, or has a disability as defined in paragraph (a) of subdivision twenty-one of section two hundred ninety-two of the executive law.

2. Any pregnant woman or woman participating in the nursery program at a correctional facility shall be released to community supervision during such emergency unless she presents an exceptional public safety risk.

3. Any person over the age of fifty-five who has completed at least one half of his or her minimum sentence may be released in such an emergency.

4. Such emergency release shall not be revoked when the emergency concludes as long as any person so released complies with the terms and conditions of community supervision.

§ 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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