STATE OF NEW YORK

5837

2019-2020 Regular Sessions

IN SENATE

May 15, 2019

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

AN ACT to amend the criminal procedure law, the correction law, and the executive law, in relation to work related labor protests not being considered a parole violation

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

Section 1. Section 410.10 of the criminal procedure law is amended by adding a new subdivision 4 to read as follows:

4. When the court pronounces a sentence of probation or conditional discharge, the court shall provide that work related labor protests shall not be considered a violation of such sentence of probation or conditional discharge.

§ 2. The correction law is amended by adding a new section 209 to read as follows:

§ 209. Permitted activities. Where any person is granted presumptive release, parole, conditional release or release to post-release supervision, such person shall not be deemed to be in violation of and the department shall not terminate such granted presumptive release, parole, conditional release or release to post-release supervision solely because such person participated in work related labor protests.

§ 3. Section 274 of the correction law is amended by adding a new subdivision 11 to read as follows:

11. The commission, or any member thereof, shall not determine that a person who has been conditionally released has lapsed into criminal ways or company, or has violated one or more conditions of conditional release because such person participated in work related labor protests.

§ 4. The executive law is amended by adding a new section 259-t to read as follows:

§ 259-t. Permitted activities. Where any person is granted presumptive release, parole, conditional release, release to post-release super-

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

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vision or any other type of supervised release, the state board of parole shall not deem a person to be in violation of and the state board of parole shall not terminate such granted presumptive release, parole, conditional release, release to post-release supervision or any other type of supervised release solely because such person participated in work related labor protests.

§ 5. This act shall take effect immediately.