

# STATE OF NEW YORK

6490

2019-2020 Regular Sessions

## IN SENATE

June 13, 2019

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

AN ACT to amend the penal law, in relation to earned reduction of supervision

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

1 Section 1. The penal law is amended by adding a new section 70.46 to  
2 read as follows:

3 § 70.46 Earned reduction of supervision.

4 1. After a period of presumptive release, parole, conditional release,  
5 or post-release supervision has commenced pursuant to section 70.40 or  
6 70.45 of this article, such period shall be reduced by thirty days upon  
7 the completion of each uninterrupted one-month period of presumptive  
8 release, parole, conditional release, or post-release supervision served  
9 thereafter, provided the person is not subject to any sentence with a  
10 maximum term of life imprisonment, or any sentence imposed for an  
11 offense defined in article one hundred thirty, two hundred sixty-three,  
12 four hundred eighty-five or four hundred ninety of this chapter, or an  
13 attempt or a conspiracy to commit any such offense.

14 2. No reduction shall be granted pursuant to this subdivision for:

15 (a) the service of less than an uninterrupted one-month period; or

16 (b) the one-month immediately preceding the completion of a period of  
17 community supervision as described in subdivision one of this section.

18 3. The one-month period shall not commence or continue to run while  
19 the person has been declared delinquent or while the person is in custo-  
20 dy related to a separate conviction or adjudication. In such case, the  
21 next one-month period shall commence upon the person's next release from  
22 custody.

23 4. A sustained finding of a violation of a condition of supervision  
24 shall interrupt the running of the one-month period retroactively to the

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

LBD13330-01-9

1 date of the declaration of delinquency. In such case, the next one-month  
2 period shall commence upon the person's next release from custody.

3 5. In the event that there is no sustained violation of a condition or  
4 conditions of release, the person shall receive credit as if there was  
5 no interruption in the service of the period of community supervision,  
6 provided however, that a final declaration of delinquency issued by the  
7 board will interrupt the running of the one-month earned period retroac-  
8 tively to the date of delinquency.

9 6. When a person is subject to more than one period of post-release  
10 supervision, the reduction authorized in this subdivision shall be  
11 applied to each period of post-release supervision to which the person  
12 is subject at the commencement of the one-month period. In the event a  
13 person becomes subject to an additional period of post-release super-  
14 vision after the one-month period of a previously imposed period of  
15 post-release supervision has commenced, the one-month period of the  
16 additional period of post-release supervision shall commence as provided  
17 in subdivision one of this section.

18 7. The reduction applied to a period of post-release supervision  
19 pursuant to this section shall not be applied to any other period of  
20 post-release supervision, except as provided in subdivision five of  
21 section 70.30 of this article.

22 8. Earned time credits shall be available to all eligible persons  
23 subject to community supervision at the time this legislation becomes  
24 effective.

25 § 2. This act shall take effect April 1, 2020.