

# STATE OF NEW YORK

8244

## IN SENATE

April 27, 2020

Introduced by Sen. SEPULVEDA -- 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 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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