STATE OF NEW YORK

2187

2021-2022 Regular Sessions

IN ASSEMBLY

January 14, 2021

Introduced by M. of A. CUSICK, BUTTENSCHON -- Multi-Sponsored by -- M. of A. FRIEND -- read once and referred to the Committee on Correction

AN ACT to amend the executive law, in relation to the retaking of certain persons absconding from parole or other conditional release

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

Section 1. Short title. This act shall be known and may be cited as "Cesar's law".

§ 2. Paragraph (i) of subdivision 3 of section 259-i of the executive law, as amended by section 38-f-1 of subpart A of part C of chapter 62 of the laws of 2011, is amended to read as follows:

(i) Where there is reasonable cause to believe that a presumptive releasee, parolee, conditional releasee or person under post-release supervision has absconded from supervision the board [~~may~~] **shall** declare such person to be delinquent **and a warrant shall be issued for the retaking of such person and for his or her temporary detention according to the rules of the board, and the board shall immediately notify the law enforcement agency having jurisdiction of the locality in which such absconder resides**. This paragraph shall not be construed to deny such person a preliminary revocation hearing upon his **or her** retaking, nor to relieve the department of any obligation it may have to exercise due diligence to retake the alleged absconder, nor to relieve the parolee or releasee of any obligation he **or she** may have to comply with the conditions of his **or her** release.

§ 3. 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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