

STATE OF NEW YORK

4835

2021-2022 Regular Sessions

IN ASSEMBLY

February 8, 2021

Introduced by M. of A. B. MILLER -- read once and referred to the
Committee on Codes

AN ACT to amend the criminal procedure law, in relation to interim
probation supervision

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

1 Section 1. Paragraph (a) of subdivision 6 of section 390.30 of the
2 criminal procedure law, as amended by chapter 279 of the laws of 2019,
3 is amended to read as follows:

4 (a) In any case where the court determines that a defendant is eligi-
5 ble for a sentence of probation, the court, after consultation with the
6 prosecutor and upon the consent of the defendant, may adjourn the
7 sentencing to a specified date and order that the defendant be placed on
8 interim probation supervision. In no event may the sentencing be
9 adjourned for a period exceeding one year from the date the [~~conviction~~
10 ~~is entered~~] defendant is placed on interim probation supervision, except
11 that upon good cause shown, the court may, upon the defendant's consent,
12 extend the period for an additional one year where the defendant has
13 agreed to and is still participating in a treatment program in
14 connection with a court designated a treatment court by the chief admin-
15 istrator of the courts. When ordering that the defendant be placed on
16 interim probation supervision, the court shall impose all of the condi-
17 tions relating to supervision specified in subdivision three of section
18 65.10 of the penal law and the court may impose any or all of the condi-
19 tions relating to conduct and rehabilitation specified in subdivisions
20 two, four, five and five-a of section 65.10 of such law. The defendant
21 must receive a written copy of any such conditions at the time he or she
22 is placed on interim probation supervision. The defendant's record of
23 compliance with such conditions, as well as any other relevant informa-
24 tion, shall be included in the presentence report, or updated presen-
25 tence report, prepared pursuant to this section, and the court must

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

LBD08869-01-1

1 consider such record and information when pronouncing sentence. If a
2 defendant satisfactorily completes a term of interim probation super-
3 vision, he or she shall receive credit for the time served under the
4 period of interim probation supervision toward any probation sentence
5 that is subsequently imposed in that case.
6 § 2. This act shall take effect immediately.