STATE OF NEW YORK

3805

2021-2022 Regular Sessions

IN SENATE

January 30, 2021

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 public health emergency allowances against sentences for certain incarcerated individuals

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

Section 1. The correction law is amended by adding a new section 803-c to read as follows:

§ 803-c. Public health emergency allowances against indeterminate and determinate sentences. 1. Every person confined in an institution of the department or a facility in the department of mental hygiene serving an indeterminate or determinate sentence of imprisonment, except a person serving a sentence with a maximum term of life imprisonment, shall receive a public health emergency time allowance against the term or maximum term of his or her sentence imposed by the court. Such allowances shall be granted for time served during a public health emergency in accordance with this section if:

(a) the governor declares a state of disaster emergency pursuant to section twenty-eight of the executive law in response to such public health emergency;

(b) the public health emergency arises as a result of a communicable or infectious disease; and

(c) the public health emergency results in the modification of correctional facility operations.

2. Except as provided by subdivision three of this section, public health emergency allowances awarded pursuant to subdivision one of this section shall provide further remission from both the maximum and minimum term of an incarcerated individual's sentence at the rate of six months for each month, or portion thereof, served during a state of

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

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disaster emergency declared by the governor pursuant to section twenty-eight of the executive law in response to the public health emergency.

3. Public health emergency allowances shall not be available to any person serving an indeterminate or determinate sentence authorized for a sex offense under article one hundred thirty of the penal law.

4. An incarcerated individual shall not be awarded a public health emergency allowance in excess of twelve months of remission for any single public health emergency.

§ 2. This act shall take effect immediately.