

# STATE OF NEW YORK

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3078

2021-2022 Regular Sessions

## IN ASSEMBLY

January 22, 2021

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Introduced by M. of A. EPSTEIN, SAYEGH, CRUZ, LAVINE, TAYLOR, SIMON,  
GOTTFRIED, L. ROSENTHAL, REYES, COOK, BARRON, QUART, SEAWRIGHT, WEPRIN  
-- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to including credits  
earned from a higher education institution as a condition on which the  
merit board may grant merit time

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

1 Section 1. Subparagraph (iv) of paragraph (d) of subdivision 1 of  
2 section 803 of the correction law, as added by section 7 of chapter 738  
3 of the laws of 2004, is amended to read as follows:

4 (iv) Such merit time allowance may be granted when an inmate success-  
5 fully participates in the work and treatment program assigned pursuant  
6 to section eight hundred five of this article and when such inmate  
7 obtains a general equivalency diploma, an alcohol and substance abuse  
8 treatment certificate, a vocational trade certificate following at least  
9 six months of vocational programming, at least eighteen credits in a  
10 program registered by the state education department from a degree-  
11 granting higher education institution or performs at least four hundred  
12 hours of service as part of a community work crew.

13 Such allowance shall be withheld for any serious disciplinary infrac-  
14 tion or upon a judicial determination that the person, while an inmate,  
15 commenced or continued a civil action, proceeding or claim that was  
16 found to be frivolous as defined in subdivision (c) of section eight  
17 thousand three hundred three-a of the civil practice law and rules, or  
18 an order of a federal court pursuant to rule 11 of the federal rules of  
19 civil procedure imposing sanctions in an action commenced by a person,  
20 while an inmate, against a state agency, officer or employee.

21 § 2. Subparagraph (iv) of paragraph (d) of subdivision 1 of section  
22 803 of the correction law, as added by section 10-a of chapter 738 of  
23 the laws of 2004, is amended to read as follows:

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

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(iv) Such merit time allowance may be granted when an inmate successfully participates in the work and treatment program assigned pursuant to section eight hundred five of this article and when such inmate obtains a general equivalency diploma, an alcohol and substance abuse treatment certificate, a vocational trade certificate following at least six months of vocational programming, at least eighteen credits in a program registered by the state education department from a degree-granting higher education institution or performs at least four hundred hours of service as part of a community work crew.

Such allowance shall be withheld for any serious disciplinary infraction or upon a judicial determination that the person, while an inmate, commenced or continued a civil action, proceeding or claim that was found to be frivolous as defined in subdivision (c) of section eight thousand three hundred three-a of the civil practice law and rules, or an order of a federal court pursuant to rule 11 of the federal rules of civil procedure imposing sanctions in an action commenced by a person, while an inmate, against a state agency, officer or employee.

§ 3. This act shall take effect immediately, provided that the amendments to subparagraph (iv) of paragraph (d) of subdivision 1 of section 803 of the correction law made by section one of this act shall be subject to the expiration and reversion of such section pursuant to section 74 of chapter 3 of the laws of 1995, as amended, when upon such date the provisions of section two of this act shall take effect.