

STATE OF NEW YORK

2782

2021-2022 Regular Sessions

IN SENATE

January 25, 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 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 a state
4 disaster emergency, as defined in article two-B of the executive law,
5 which places the lives, health or well-being of people in custody at
6 risk, the commissioner shall have the authority to release to community
7 supervision any person in custody who:

8 (a) is within two years of their earliest release date, has a reason-
9 ably stable living situation upon release, does not pose an unreasonable
10 public safety risk and appears to be rehabilitated, is immunocompromised
11 or has a disability as defined in paragraph (a) of subdivision twenty-
12 one of section two hundred ninety-two of the executive law;

13 (b) is a pregnant woman or a woman participating in the nursery
14 program at a correctional facility who does not pose an unreasonable
15 public safety risk and has a reasonably stable living situation upon
16 release; or

17 (c) is a person over the age of fifty-five that has completed at least
18 one half of their term or minimum term of sentence who has a reasonably
19 stable living situation upon release and does not pose an unreasonable
20 public safety risk.

21 2. Any individual released under these emergency circumstances shall
22 remain under community supervision, unless such supervision is revoked
23 pursuant to subdivision three of section two hundred fifty-nine-i of the
24 executive law, for the remainder of their sentence or until such time

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

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1 that the commissioner decides it is appropriate to terminate such super-
2 vision pursuant to the limitations set forth in section two hundred five
3 of this chapter.

4 § 2. This act shall take effect immediately.