

# STATE OF NEW YORK

2803

2021-2022 Regular Sessions

## IN SENATE

January 25, 2021

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, the correction law, and the executive law, in relation to bona fide work not being considered a parole violation

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

1 Section 1. Section 410.10 of the criminal procedure law is amended by  
2 adding a new subdivision 4 to read as follows:

3 4. When the court pronounces a sentence of probation or conditional  
4 discharge, the court shall provide that the performance of bona fide  
5 work for an employer, including travel time to and from bona fide work,  
6 regardless if such work or related travel time is performed during  
7 curfew times set by conditions of probation, parole, presumptive  
8 release, conditional release, release to post-release supervision or any  
9 other type of supervised release, shall not be considered a violation of  
10 such sentence of probation or conditional discharge. For purposes of  
11 this section, bona fide work is work performed as an employee for an  
12 employer, as defined in section two of the labor law.

13 § 2. The correction law is amended by adding a new section 209 to read  
14 as follows:

15 § 209. Permitted activities. Where any person is granted presumptive  
16 release, parole, conditional release or release to post-release super-  
17 vision, such person shall not be deemed to be in violation of and the  
18 department shall not terminate such granted presumptive release, parole,  
19 conditional release, release to post-release supervision, or any other  
20 type of supervised release solely because such person engages in bona  
21 fide work for an employer, including travel time to and from bona fide  
22 work, during curfew times set with a sentence of probation or condi-  
23 tional discharge. For purposes of this section, bona fide work is work

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

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1 performed as an employee for an employer, as defined in section two of  
2 the labor law.

3 § 3. Section 274 of the correction law is amended by adding a new  
4 subdivision 11 to read as follows:

5 11. The commission, or any member thereof, shall not determine that a  
6 person who has been conditionally released has lapsed into criminal ways  
7 or company, or has violated one or more conditions of conditional  
8 release because such person engages in bona fide work for an employer,  
9 including travel time to or from bona fide work, during curfew times set  
10 by conditions of conditional release. For purposes of this section,  
11 bona fide work is work performed as an employee for an employer, as  
12 defined in section two of the labor law.

13 § 4. The executive law is amended by adding a new section 259-t to  
14 read as follows:

15 § 259-t. Permitted activities. Where any person is granted presumptive  
16 release, parole, conditional release, release to post-release super-  
17 vision or any other type of supervised release, the state board of  
18 parole shall not deem a person to be in violation of and the state board  
19 of parole shall not terminate such granted presumptive release, parole,  
20 conditional release, release to post-release supervision or any other  
21 type of supervised release solely because such person engaged in bona  
22 fide work for an employer, including travel time to or from bona fide  
23 work, during curfew times set by conditions of probation, parole,  
24 presumptive release, conditional release or release to post-release  
25 supervision. For purposes of this section, bona fide work is work  
26 performed as an employee for an employer, as defined in section two of  
27 the labor law.

28 § 5. This act shall take effect immediately.