

# STATE OF NEW YORK

8602

## IN SENATE

March 21, 2022

Introduced by Sen. SALAZAR -- 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 the limited credit time allowances for certain incarcerated individuals

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

1 Section 1. Paragraph (b) of subdivision 1 of section 803-b of the  
2 correction law, as added by section 4 of part L of chapter 56 of the  
3 laws of 2009, clauses (A) and (C) of subparagraph (ii) as amended by  
4 chapter 322 of the laws of 2021, is amended to read as follows:

5 (b) "limited credit time benefit" means:

6 (i) in the case of an eligible offender who is subject to an indeter-  
7 minate sentence with a maximum term of life imprisonment, such offender  
8 shall be eligible for release [~~six~~] twenty-four months before the  
9 completion of the controlling minimum period of imprisonment as defined  
10 by subdivision one of section 70.40 of the penal law; or

11 (ii) (A) in the case of an eligible offender who is not subject to an  
12 indeterminate sentence with a maximum term of life imprisonment, such  
13 offender shall be eligible for conditional release [~~six~~] twenty-four  
14 months earlier than as provided by paragraph (b) of subdivision one of  
15 section 70.40 of the penal law, provided that the department determines  
16 such offender has earned the full amount of good time authorized by  
17 section eight hundred three of this article; the withholding of any good  
18 behavior time credit by the department shall render an incarcerated  
19 individual ineligible for the credit defined herein;

20 (B) in the event the limited credit time benefit defined herein causes  
21 such conditional release date to precede the parole eligibility date as  
22 calculated pursuant to subdivision one of section 70.40 of the penal  
23 law, a limited credit time benefit shall also be applied to the parole  
24 eligibility date, but only to the extent necessary to cause such parole  
25 eligibility date to be the same date as the conditional release date;

26 (C) an incarcerated individual shall not be eligible for the credit  
27 defined herein if he or she is returned to the department pursuant to a

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

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1 revocation of presumptive release, parole, conditional release, or post-  
2 release supervision and has not been sentenced to an additional indeter-  
3 minate or determinate term of imprisonment.

4 (iii) Regardless of the number of sentences to which an eligible  
5 offender is subject, the limited credit time benefit authorized pursuant  
6 to this section shall be limited to a single [~~six-month~~] twenty-four-  
7 month credit applied to such person's parole eligibility date pursuant  
8 to subparagraph (i) of this paragraph or to such person's conditional  
9 release date pursuant to subparagraph (ii) of this paragraph. Except as  
10 provided in clause (B) of subparagraph (ii) of this paragraph, the  
11 limited credit time benefit authorized pursuant to this section shall  
12 not be applied to an eligible offender's parole eligibility date and  
13 conditional release date.

14 § 2. This act shall take effect immediately.