STATE OF NEW YORK

4888

2023-2024 Regular Sessions

IN ASSEMBLY

February 24, 2023

Introduced by M. of A. EPSTEIN -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to conditional release for eligible offenders who complete post-secondary degrees or programs

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

Section 1. Subparagraph (i) and clause A of subparagraph (ii) of paragraph (b) of subdivision 1 of section 803-b of the correction law, subparagraph (i) as added by section 4 of part L of chapter 56 of the laws of 2009, and clause (A) of subparagraph (ii) as amended by chapter 322 of the laws of 2021, are amended to read as follows:

(i) in the case of an eligible offender who is subject to an indeterminate sentence with a maximum term of life imprisonment, such offender shall be eligible for release six months before the completion of the controlling minimum period of imprisonment as defined by subdivision one of section 70.40 of the penal law**, except that such offender shall be eligible for release twelve months before the completion of the controlling minimum period of imprisonment as defined by subdivision one of section 70.40 of the penal law for each successive significant programmatic accomplishment as defined in subparagraph (ii) of paragraph (c) of this subdivision**; or

(A) in the case of an eligible offender who is not subject to an indeterminate sentence with a maximum term of life imprisonment, such offender shall be eligible for conditional release six months earlier than as provided by paragraph (b) of subdivision one of section 70.40 of the penal law, provided that the department determines such offender has earned the full amount of good time authorized by section eight hundred three of this article**, except that such offender shall be eligible for release twelve months before the completion of the controlling minimum period of imprisonment as defined by subdivision one of section 70.40 of the penal law for each successive significant program-**

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

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matic accomplishment as defined in subparagraph (ii) of paragraph (c) of this subdivision; the withholding of any good behavior time credit by the department shall render an incarcerated individual ineligible for the credit defined herein;

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.