

# 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:

1 Section 1. Subparagraph (i) and clause A of subparagraph (ii) of para-  
2 graph (b) of subdivision 1 of section 803-b of the correction law,  
3 subparagraph (i) as added by section 4 of part L of chapter 56 of the  
4 laws of 2009, and clause (A) of subparagraph (ii) as amended by chapter  
5 322 of the laws of 2021, are amended to read as follows:

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 months before the completion of the  
9 controlling minimum period of imprisonment as defined by subdivision one  
10 of section 70.40 of the penal law, except that such offender shall be  
11 eligible for release twelve months before the completion of the  
12 controlling minimum period of imprisonment as defined by subdivi-  
13 sion one of section 70.40 of the penal law for each successive signif-  
14 icant programmatic accomplishment as defined in subparagraph (ii) of  
15 paragraph (c) of this subdivision; or

16 (A) in the case of an eligible offender who is not subject to an inde-  
17 terminate sentence with a maximum term of life imprisonment, such offen-  
18 der shall be eligible for conditional release six months earlier than as  
19 provided by paragraph (b) of subdivision one of section 70.40 of the  
20 penal law, provided that the department determines such offender has  
21 earned the full amount of good time authorized by section eight hundred  
22 three of this article, except that such offender shall be eligible for  
23 release twelve months before the completion of the controlling  
24 minimum period of imprisonment as defined by subdivision one of  
25 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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1 matic accomplishment as defined in subparagraph (ii) of paragraph (c) of  
2 this subdivision; the withholding of any good behavior time credit by  
3 the department shall render an incarcerated individual ineligible for  
4 the credit defined herein;  
5 § 2. This act shall take effect on the ninetieth day after it shall  
6 have become a law.