

STATE OF NEW YORK

4318

2023-2024 Regular Sessions

IN SENATE

February 7, 2023

Introduced by Sens. LANZA, HELMING -- 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 executive law, in relation to the retaking of
certain persons absconding from parole or other conditional release

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

- 1 Section 1. Short title. This act shall be known and may be cited as
2 "Cesar's law".
3 § 2. Paragraph (i) of subdivision 3 of section 259-i of the executive
4 law, as amended by section 38-f-1 of subpart A of part C of chapter 62
5 of the laws of 2011, is amended to read as follows:
6 (i) Where there is reasonable cause to believe that a presumptive
7 releasee, parolee, conditional releasee or person under post-release
8 supervision has absconded from supervision the board [~~may~~] shall declare
9 such person to be delinquent and a warrant shall be issued for the
10 retaking of such person and for his or her temporary detention according
11 to the rules of the board, and the board shall immediately notify the
12 law enforcement agency having jurisdiction of the locality in which such
13 absconder resides. This paragraph shall not be construed to deny such
14 person a preliminary revocation hearing upon his or her retaking, nor to
15 relieve the department of any obligation it may have to exercise due
16 diligence to retake the alleged absconder, nor to relieve the parolee or
17 releasee of any obligation he or she may have to comply with the condi-
18 tions of his or her release.
19 § 3. This act shall take effect immediately.

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

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