STATE OF NEW YORK

483

2023-2024 Regular Sessions

IN SENATE

January 4, 2023

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:

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

(b) "limited credit time benefit" means:

(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~~] twenty-four months before the completion of the controlling minimum period of imprisonment as defined by subdivision one of section 70.40 of the penal law; or

(ii) (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~~] twenty-four 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; the withholding of any good behavior time credit by the department shall render an incarcerated individual ineligible for the credit defined herein;

(B) in the event the limited credit time benefit defined herein causes such conditional release date to precede the parole eligibility date as calculated pursuant to subdivision one of section 70.40 of the penal law, a limited credit time benefit shall also be applied to the parole

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

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eligibility date, but only to the extent necessary to cause such parole eligibility date to be the same date as the conditional release date;

(C) an incarcerated individual shall not be eligible for the credit defined herein if he or she is returned to the department pursuant to a revocation of presumptive release, parole, conditional release, or post-release supervision and has not been sentenced to an additional indeterminate or determinate term of imprisonment.

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

§ 2. This act shall take effect immediately.