

STATE OF NEW YORK

781

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. PIROZZOLO -- read once and referred to the
Committee on Alcoholism and Drug Abuse

AN ACT to amend the mental hygiene law and the penal law, in relation to
establishing rehabilitation programs within secure treatment facili-
ties for persistent criminal offenders who have been convicted of ten
or more violent criminal offenses

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

1 Section 1. This act shall be known and may be cited as the "REPEAT
2 (recidivism eradication and persistent offender accountability) act".
3 § 2. Legislative findings and intent. The Legislature finds that New
4 York State's criminal justice reforms, including bail reform laws, have
5 created a crime emergency, particularly in the City of New York. These
6 laws have limited judicial discretion, hindered law enforcement's abili-
7 ty to protect our citizenry, undermined public safety, and facilitated
8 repeat offenses by violent felons. Current laws fail to adequately
9 address the danger posed by persistent violent criminal offenders or
10 provide sufficient pathways for treatment and rehabilitation. The recent
11 criminal case of Ramon Rivera which involved multiple stabbings in the
12 City of New York highlights the urgent need for reform, as legislative
13 gaps allowed a repeat violent offender to commit further crimes, despite
14 prior convictions.
15 This legislation aims to right these wrongs by ensuring treatment for
16 persistent criminal offenders while promoting comprehensive rehabili-
17 tation. The Legislature intends to strengthen public safety by amending
18 the Penal Law to enhance sentencing provisions for persistent violent
19 criminal offenders and by amending the Mental Hygiene Law to establish
20 comprehensive treatment and confinement programs for such offenders,
21 ensuring both their rehabilitation and societal protection. The REPEAT
22 Act provides an opportunity for rehabilitation while prioritizing public

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

LBD01039-01-5

1 safety and enforcing consequences for those who continue to endanger
 2 society.
 3 § 3. The mental hygiene law is amended by adding a new article 11 to
 4 read as follows:

5 ARTICLE 11

6 TREATMENT AND CONFINEMENT OF PERSISTENT CRIMINAL OFFENDERS

7 Section 11.01 Definitions.

8 11.03 Establishment of rehabilitation programs within secure
 9 treatment facilities.

10 11.05 Transfer to secure treatment facilities.

11 11.07 Parole and conditional release requirements.

12 11.09 Annual reporting and oversight.

13 § 11.01 Definitions.

14 As used in this article, the following terms shall have the following
 15 meanings:

16 (a) "Persistent criminal offender" shall have the same meaning as
 17 defined in subdivision one of section 70.10 of the penal law and shall
 18 also include persons convicted of ten or more separate violent criminal
 19 offenses, excluding minor traffic violations, within a ten-year period,
 20 including individuals defined as persistent violent felony offenders
 21 pursuant to section 70.08 of the penal law.

22 (b) "Rehabilitation program" means a program within a secure treatment
 23 facility which provides treatment aimed at addressing behavioral
 24 patterns contributing to criminal activity, including mental health,
 25 addiction, and life skills counseling.

26 (c) "Secure treatment facility" means a state-operated facility
 27 providing mental health and substance abuse treatment, vocational train-
 28 ing, and educational services within a secure environment.

29 § 11.03 Establishment of rehabilitation programs within secure treatment
 30 facilities.

31 (a) A hearing shall be held for a persistent criminal offender who
 32 poses a demonstrable risk to public safety or themselves, and who has
 33 not responded to traditional criminal sanctions, upon their tenth or
 34 subsequent conviction of a violent criminal offense. Such hearing shall
 35 include evidence demonstrating the persistent criminal offender's crimi-
 36 nal pattern and risk to public safety or themselves and upon finding
 37 such risk the court shall commit such person to a rehabilitation program
 38 within a secure treatment facility.

39 (b) Rehabilitation programs within secure treatment facilities shall
 40 provide comprehensive care and treatment tailored to addressing criminal
 41 behavior and underlying issues, such as mental illness or substance
 42 abuse. Rehabilitation programs within secure treatment facilities shall,
 43 at a minimum, include: comprehensive mental health treatment; substance
 44 abuse counseling; educational and vocational training; and cognitive
 45 behavioral therapy focused on reducing recidivism.

46 (c) Release from a rehabilitation program within a secure treatment
 47 facility shall be contingent on a finding by the court that the persist-
 48 ent criminal offender has successfully completed treatment and no longer
 49 poses a threat to public safety or themselves. Such persistent criminal
 50 offender shall be subject to parole and conditional release requirements
 51 pursuant to section 11.07 of this article.

52 (d) The office of mental health and the office of addiction services
 53 and supports, in collaboration with the division of criminal justice
 54 services, shall establish and oversee rehabilitation programs within
 55 secure treatment facilities for persistent criminal offenders. Existing

1 state-operated secure treatment facilities may be repurposed to provide
2 rehabilitation programs to ensure compliance with this provision.

3 (e) A persistent criminal offender who commits a criminal offense,
4 excluding minor traffic violations, after completion of a rehabilitation
5 program shall be recommitted to a rehabilitation program within a secure
6 treatment facility.

7 § 11.05 Transfer to secure treatment facilities.

8 Persistent criminal offenders nearing parole eligibility shall be
9 evaluated by a multi-agency review board comprising of representatives
10 from the office of mental health, the office of addiction services and
11 supports, and the division of criminal justice services to determine
12 whether such persistent criminal offenders shall be eligible for a reha-
13 bilitation program. Persistent criminal offenders who are deemed to be
14 eligible for a rehabilitation program shall be transferred to a secure
15 treatment facility to successfully complete the rehabilitation program
16 before being considered for release.

17 § 11.07 Parole and conditional release requirements.

18 (a) Successful completion of a rehabilitation program shall be a
19 prerequisite for parole eligibility for persistent criminal offenders.

20 (b) Noncompliance with treatment mandates shall result in forfeiture
21 of parole consideration, and the persistent criminal offender shall be
22 returned to incarceration in a correctional facility.

23 § 11.09 Annual reporting and oversight.

24 The commissioner shall annually report to the governor and the legis-
25 lature on the implementation and effectiveness of this article. Such
26 report shall include, but not be limited to: the number of persistent
27 criminal offenders committed to rehabilitation programs within secure
28 treatment facilities; rehabilitation program success rates and recidiv-
29 ism data; and recommendations for improving persistent criminal offender
30 outcomes and public safety.

31 § 4. The penal law is amended by adding a new section 70.12 to read as
32 follows:

33 § 70.12 Sentence of imprisonment for persistent criminal offender;
34 criteria.

35 1. Definition of persistent criminal offender. A persistent criminal
36 offender is a person who stands convicted of a violent criminal offense
37 to individuals after having previously been convicted of ten or more
38 violent criminal offenses.

39 2. Authorized sentence. When the court has found, pursuant to the
40 provisions of the mental hygiene law and the criminal procedure law,
41 that a person is a persistent criminal offender who poses a demonstrable
42 risk to public safety or themselves and such person has not responded to
43 traditional criminal sanctions, the court shall hold a hearing where
44 evidence of the offender's criminal pattern and risk to public safety or
45 themselves shall be demonstrated and upon finding such risk the court
46 shall commit such person to a secure rehabilitative program upon such
47 person's tenth or subsequent conviction of a violent criminal offense.

48 § 5. This act shall take effect immediately.