STATE OF NEW YORK

3978

2025-2026 Regular Sessions

IN SENATE

January 31, 2025

Introduced by Sens. SEPULVEDA, COMRIE -- 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 establishing emergency release protocols during a time of crisis

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

Section 1. The correction law is amended by adding a new section 807 to read as follows:

§ 807. Emergency release during a time of crisis. 1. During a state disaster emergency, as defined in article two-B of the executive law, which places the lives, health or well-being of people in custody at risk, the commissioner shall have the authority to release to community supervision any person in custody who:

(a) is within two years of their earliest release date, has a reasonably stable living situation upon release, does not pose an unreasonable public safety risk and appears to be rehabilitated, is immunocompromised or has a disability as defined in paragraph (a) of subdivision twenty-one of section two hundred ninety-two of the executive law;

(b) is a pregnant person or a person participating in the nursery program at a correctional facility who does not pose an unreasonable public safety risk and has a reasonably stable living situation upon release; or

(c) is a person over the age of fifty-five that has completed at least one half of their term or minimum term of sentence who has a reasonably stable living situation upon release and does not pose an unreasonable public safety risk.

2. Any individual released under these emergency circumstances shall remain under community supervision, unless such supervision is revoked pursuant to subdivision three of section two hundred fifty-nine-i of the executive law, for the remainder of their sentence or until such time

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

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that the commissioner decides it is appropriate to terminate such supervision pursuant to the limitations set forth in section two hundred five of this chapter.

§ 2. This act shall take effect immediately.