

STATE OF NEW YORK

5792

2025-2026 Regular Sessions

IN SENATE

March 3, 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 executive law, in relation to permitting a qualified
incarcerated individual eligible for early release to receive a condi-
tional release

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

1 Section 1. Subparagraph (i) of paragraph (d) of subdivision 2 of
2 section 259-i of the executive law, as amended by chapter 322 of the
3 laws of 2021, is amended to read as follows:
4 (i) Notwithstanding the provisions of paragraphs (a), (b) and (c) of
5 this subdivision, after the incarcerated individual has served [~~his or~~
6 ~~her~~] such incarcerated individual's minimum period of imprisonment
7 imposed by the court or is eligible for early release from imprisonment,
8 or at any time after the incarcerated individual's period of imprison-
9 ment has commenced for an incarcerated individual serving a determinate
10 or indeterminate term of imprisonment, provided that the incarcerated
11 individual has had a final order of deportation issued against [~~him or~~
12 ~~her~~] such incarcerated individual and provided further that the incar-
13 cerated individual is not convicted of either an A-I felony offense
14 other than an A-I felony offense as defined in article two hundred twen-
15 ty of the penal law or a violent felony offense as defined in section
16 70.02 of the penal law, if the incarcerated individual is subject to
17 deportation by the United States Bureau of Immigration and Customs
18 Enforcement, in addition to the criteria set forth in paragraph (c) of
19 this subdivision, the board may consider, as a factor warranting earlier
20 release, the fact that such incarcerated individual will be deported,
21 and may grant parole from an indeterminate sentence or release for
22 deportation from a determinate sentence to such incarcerated individual
23 conditioned specifically on [~~his or her~~] such incarcerated individual's

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

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1 prompt deportation. The board may make such conditional grant of early
2 parole from an indeterminate sentence or release for deportation from a
3 determinate sentence only where it has received from the United States
4 Bureau of Immigration and Customs Enforcement assurance (A) that an
5 order of deportation will be executed or that proceedings will promptly
6 be commenced for the purpose of deportation upon release of the incar-
7 cerated individual from the custody of the department of correctional
8 services, and (B) that the incarcerated individual, if granted parole or
9 release for deportation pursuant to this paragraph, will not be released
10 from the custody of the United States Bureau of Immigration and Customs
11 Enforcement, unless such release be as a result of deportation without
12 providing the board a reasonable opportunity to arrange for execution of
13 its warrant for the retaking of such person.
14 § 2. This act shall take effect immediately.