

STATE OF NEW YORK

11383

IN ASSEMBLY

May 15, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Taylor) --
(at request of the Unified Court System) -- read once and referred to
the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to broadening
the court's discretion to use extended terms of interim probation on
consent of the defendant to avoid incarceratory outcomes

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

1 Section 1. Paragraph (a) of subdivision 6 of section 390.30 of the
2 criminal procedure law, as amended by chapter 279 of the laws of 2019,
3 is amended to read as follows:
4 (a) In any case where the court determines that a defendant is eligi-
5 ble for a sentence of probation, the court, after consultation with the
6 prosecutor and upon the consent of the defendant, may adjourn the
7 sentencing to a specified date and order that the defendant be placed on
8 interim probation supervision[~~. In no event may the sentencing be~~
9 ~~adjourned~~] for a period not exceeding one year from the date the
10 conviction is entered[~~, except that~~]. Notwithstanding any other
11 provision of law to the contrary, upon good cause shown, and after
12 further consultation with the prosecutor and with the defendant's
13 consent, the court may[~~, upon the defendant's consent~~] extend the peri-
14 od of interim probation for [~~an~~] two additional one year periods where
15 the defendant [~~has agreed to and~~] is still participating in a treatment
16 program in connection with [~~a court designated~~] a treatment, diversion,
17 alternatives to incarceration, or other problem-solving court [~~by~~] so
18 designated by the chief administrator of the courts or has otherwise
19 been subject to interim probation supervision as part of a court-ordered
20 conditional plea agreement. When ordering that the defendant be placed
21 on interim probation supervision, the court shall impose all of the
22 conditions relating to supervision specified in subdivision three of
23 section 65.10 of the penal law and the court may impose any or all of
24 the conditions relating to conduct and rehabilitation specified in
25 subdivisions two, four, five and five-a of section 65.10 of such law.
26 The defendant must receive a written copy of any such conditions at the

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

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1 time [~~he or she~~] such defendant is placed on interim probation super-
2 vision. The defendant's record of compliance with such conditions, as
3 well as any other relevant information, shall be included in the presen-
4 tence report, or updated presentence report, prepared pursuant to this
5 section, and the court must consider such record and information when
6 pronouncing sentence. If a defendant satisfactorily completes a term of
7 interim probation supervision, [~~he or she~~] such defendant shall receive
8 credit for the time served under the period of interim probation super-
9 vision toward any probation sentence that is subsequently imposed in
10 that case.

11 § 2. This act shall take effect on the sixtieth day after it shall
12 have become a law.