# 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 facilities 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 Assembly, do enact as follows:**

Section 1. This act shall be known and may be cited as the "REPEAT (recidivism eradication and persistent offender accountability) act".

§ 2. Legislative findings and intent. The Legislature finds that New York State's criminal justice reforms, including bail reform laws, have created a crime emergency, particularly in the City of New York. These laws have limited judicial discretion, hindered law enforcement's ability to protect our citizenry, undermined public safety, and facilitated repeat offenses by violent felons. Current laws fail to adequately address the danger posed by persistent violent criminal offenders or provide sufficient pathways for treatment and rehabilitation. The recent criminal case of Ramon Rivera which involved multiple stabbings in the City of New York highlights the urgent need for reform, as legislative gaps allowed a repeat violent offender to commit further crimes, despite prior convictions.

This legislation aims to right these wrongs by ensuring treatment for persistent criminal offenders while promoting comprehensive rehabilitation. The Legislature intends to strengthen public safety by amending the Penal Law to enhance sentencing provisions for persistent violent criminal offenders and by amending the Mental Hygiene Law to establish comprehensive treatment and confinement programs for such offenders, ensuring both their rehabilitation and societal protection. The REPEAT 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.

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safety and enforcing consequences for those who continue to endanger society.

§ 3. The mental hygiene law is amended by adding a new article 11 to read as follows:

**ARTICLE 11**

**TREATMENT AND CONFINEMENT OF PERSISTENT CRIMINAL OFFENDERS**

**Section 11.01 Definitions.**
**11.03 Establishment of rehabilitation programs within secure treatment facilities.**
**11.05 Transfer to secure treatment facilities.**
**11.07 Parole and conditional release requirements.**
**11.09 Annual reporting and oversight.**

**§ 11.01 Definitions.**

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

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

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

**(c) "Secure treatment facility" means a state-operated facility providing mental health and substance abuse treatment, vocational training, and educational services within a secure environment.**

**§ 11.03 Establishment of rehabilitation programs within secure treatment facilities.**

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

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

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

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

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

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

§ 11.05 Transfer to secure treatment facilities.

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

§ 11.07 Parole and conditional release requirements.

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

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

§ 11.09 Annual reporting and oversight.

The commissioner shall annually report to the governor and the legislature on the implementation and effectiveness of this article. Such report shall include, but not be limited to: the number of persistent criminal offenders committed to rehabilitation programs within secure treatment facilities; rehabilitation program success rates and recidivism data; and recommendations for improving persistent criminal offender outcomes and public safety.

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

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

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

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

§ 5. This act shall take effect immediately.