STATE OF NEW YORK

9371

2025-2026 Regular Sessions

IN ASSEMBLY

December 19, 2025

Introduced by M. of A. BUTTENSCHON -- read once and referred to the Committee on Correction

AN ACT to amend the executive law, in relation to possible periods of reincarceration for absconding and certain technical violations by releasees

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

Section 1. Clauses 1, 2 and 3 of subparagraph (xii) of paragraph (f) of subdivision 3 of section 259-i of the executive law, as amended by chapter 427 of the laws of 2021, are amended to read as follows:

(1) Absconding. For absconding up to [~~seven~~] fifteen days reincarceration may be imposed for the first violation, up to [~~fifteen~~] thirty days reincarceration may be imposed for the second violation, and up to [~~thirty~~] sixty days reincarceration may be imposed for the third or any subsequent violation;

(2) Sanctions for certain technical violations. Reincarceration shall [~~not~~] be [~~imposed~~] considered via judicial discretion for a sustained technical violation that involves: (a) violating curfew; (b) [~~alcohol use, provided however that incarceration is permissible for alcohol use if the person is subject to community supervision due to a conviction for driving under the influence of alcohol; (c) drug use, provided, however incarceration is permissible for drug use if the person is subject to community supervision due to a conviction for driving under the influence of drugs; (d)~~] failing to notify parole officer of a change in employment or program status; [~~(e)~~] (c) failing to pay surcharges and fees; [~~(f)~~] (d) obtaining a driver's license or driving a car with a valid driver's license, provided however incarceration is permissible if either action is explicitly prohibited by the person's conviction; [~~(g) failing to notify community supervision officer of contact with any law enforcement agency, provided however, incarceration is permissible if the person intended to hide illegal behavior; (h)~~] (e)

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

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failing to obey other special conditions, provided however that incarceration is permissible if the failure cannot be addressed in the community and all reasonable community-based means to address the failure have been exhausted; and

(3) Sanctions for all other technical violations. For all other technical violations, [~~no period of~~] **up to seven days** reincarceration may be imposed for the first and second substantiated technical violations for which incarceration may be imposed; up to [~~seven~~] **fifteen** days reincarceration may be imposed for the third substantiated technical violation for which incarceration may be imposed; up to [~~fifteen~~] **thirty** days reincarceration may be imposed for the fourth substantiated technical violation for which incarceration may be imposed; up to [~~thirty~~] **sixty** days reincarceration may be imposed for the fifth and subsequent substantiated technical violations for which incarceration may be imposed.

§ 2. This act shall take effect immediately.