

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 releaseses

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

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

4 (1) Absconding. For absconding up to [~~seven~~ fifteen days reincarcera-
5 tion may be imposed for the first violation, up to [~~fifteen~~ thirty days
6 reincarceration may be imposed for the second violation, and up to
7 [~~thirty~~ sixty days reincarceration may be imposed for the third or any
8 subsequent violation;

9 (2) Sanctions for certain technical violations. Reincarceration shall
10 [~~not~~] be [~~imposed~~] considered via judicial discretion for a sustained
11 technical violation that involves: (a) violating curfew; (b) [~~alcohol~~
12 ~~use, provided however that incarceration is permissible for alcohol use~~
13 ~~if the person is subject to community supervision due to a conviction~~
14 ~~for driving under the influence of alcohol; (c) drug use, provided,~~
15 ~~however incarceration is permissible for drug use if the person is~~
16 ~~subject to community supervision due to a conviction for driving under~~
17 ~~the influence of drugs; (d)] failing to notify parole officer of a
18 change in employment or program status; [~~(e)~~] (c) failing to pay
19 surcharges and fees; [~~(f)~~] (d) obtaining a driver's license or driving a
20 car with a valid driver's license, provided however incarceration is
21 permissible if either action is explicitly prohibited by the person's
22 conviction; [~~(g) failing to notify community supervision officer of~~
23 ~~contact with any law enforcement agency, provided however, incarceration~~
24 ~~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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1 failing to obey other special conditions, provided however that incar-
2 ceration is permissible if the failure cannot be addressed in the commu-
3 nity and all reasonable community-based means to address the failure
4 have been exhausted; and

5 (3) Sanctions for all other technical violations. For all other tech-
6 nical violations, [~~no period of~~] up to seven days reincarceration may be
7 imposed for the first and second substantiated technical violations for
8 which incarceration may be imposed; up to [~~seven~~] fifteen days reincar-
9 ceration may be imposed for the third substantiated technical violation
10 for which incarceration may be imposed; up to [~~fifteen~~] thirty days
11 reincarceration may be imposed for the fourth substantiated technical
12 violation for which incarceration may be imposed; up to [~~thirty~~] sixty
13 days reincarceration may be imposed for the fifth and subsequent
14 substantiated technical violations for which incarceration may be
15 imposed.

16 § 2. This act shall take effect immediately.