# STATE OF NEW YORK

10443

# IN SENATE

May 15, 2026

Introduced by Sen. MYRIE -- (at request of the Unified Court System) -- read twice and ordered printed, and when printed to be committed 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 Assembly, do enact as follows:**

Section 1. Paragraph (a) of subdivision 6 of section 390.30 of the criminal procedure law, as amended by chapter 279 of the laws of 2019, is amended to read as follows:

(a) In any case where the court determines that a defendant is eligible for a sentence of probation, the court, after consultation with the prosecutor and upon the consent of the defendant, may adjourn the sentencing to a specified date and order that the defendant be placed on interim probation supervision[~~. In no event may the sentencing be adjourned~~] for a period **not** exceeding one year from the date the conviction is entered[~~, except that~~]**. Notwithstanding any other provision of law to the contrary,** upon good cause shown, **and after further consultation with the** prosecutor and with the defendant's consent, the court may[~~, upon the defendant's consent,~~] extend the period **of interim probation** for [~~an~~] **two** additional one year **periods** where the defendant [~~has agreed to and~~] is still participating in a treatment program in connection with [~~a court designated~~] a treatment**, diversion, alternatives to incarceration, or other problem-solving** court [~~by~~] **so designated by** the chief administrator of the courts **or has otherwise been subject to interim probation supervision as part of a court-ordered conditional plea agreement**. When ordering that the defendant be placed on interim probation supervision, the court shall impose all of the conditions relating to supervision specified in subdivision three of section 65.10 of the penal law and the court may impose any or all of the conditions relating to conduct and rehabilitation specified in subdivisions two, four, five and five-a of section 65.10 of such law. 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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time [~~he or she~~] **such defendant** is placed on interim probation supervision. The defendant's record of compliance with such conditions, as well as any other relevant information, shall be included in the presentence report, or updated presentence report, prepared pursuant to this section, and the court must consider such record and information when pronouncing sentence. If a defendant satisfactorily completes a term of interim probation supervision, [~~he or she~~] **such defendant** shall receive credit for the time served under the period of interim probation supervision toward any probation sentence that is subsequently imposed in that case.

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