

STATE OF NEW YORK

5793

2025-2026 Regular Sessions

IN SENATE

March 3, 2025

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to repeal section 257-c of the executive law, relating to probation administrative fees; to amend the executive law, in relation to prohibiting certain fees associated with probation; and to amend the correction law and the executive law, in relation to termination and discharge of certain sentences

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

1 Section 1. Section 257-c of the executive law is REPEALED.

2 § 2. The executive law is amended by adding a new section 257-c to
3 read as follows:

4 § 257-c. Prohibition on fees associated with probation. Notwithstand-
5 ing any other provision of law, no county or city may adopt a local law
6 requiring individuals currently serving or who shall be sentenced to a
7 period of probation upon conviction of any crime to pay any fee, includ-
8 ing but not limited to an administrative fee, supervision fee, monitor-
9 ing fee, testing fee, or screening fee, to the local probation depart-
10 ment with the responsibility of supervising the probationer. Nothing in
11 this section shall be construed to affect the collection of restitution
12 payments and associated surcharges pursuant to sections 65.10 and 60.27
13 of the penal law and subdivision 8 of section 420.10 of the criminal
14 procedure law.

15 § 3. Subdivision 2 of section 205 of the correction law, as amended by
16 chapter 491 of the laws of 2021, is amended to read as follows:

17 2. (a) A merit termination granted by the department under this
18 section shall constitute a termination of the sentence with respect to
19 which it was granted. No such merit termination shall be granted unless
20 the department is satisfied that termination of sentence from presump-
21 tive release, parole, conditional release or post-release supervision is

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

LBD10399-01-5

1 in the best interest of society[, ~~and that the parolee or releasee,~~
2 ~~otherwise financially able to comply with an order of restitution and~~
3 ~~the payment of any mandatory surcharge previously imposed by a court of~~
4 ~~competent jurisdiction, has made a good faith effort to comply there-~~
5 ~~with~~].

6 (b) Notwithstanding any other provision of law, a person granted merit
7 termination pursuant to this section shall be provided a certificate of
8 relief from disabilities pursuant to section seven hundred three of this
9 chapter or a certificate of good conduct under section seven hundred
10 three-b of this chapter, as applicable.

11 § 4. Subdivisions 1 and 3 of section 259-j of the executive law, as
12 amended by section 38-g of subpart A of part C of chapter 62 of the laws
13 of 2011, are amended to read as follows:

14 1. Except where a determinate sentence was imposed for a felony other
15 than a felony defined in article two hundred twenty or article two
16 hundred twenty-one of the penal law, if the board of parole is satisfied
17 that an absolute discharge from presumptive release, parole, conditional
18 release or release to a period of post-release supervision is in the
19 best interests of society, the board may grant such a discharge prior to
20 the expiration of the full term or maximum term to any person who has
21 been on unrevoked community supervision for at least three consecutive
22 years. A discharge granted under this section shall constitute a termi-
23 nation of the sentence with respect to which it was granted. ~~[No such~~
24 ~~discharge shall be granted unless the board is satisfied that the paro-~~
25 ~~lee or releasee, otherwise financially able to comply with an order of~~
26 ~~restitution and the payment of any mandatory surcharge, sex offender~~
27 ~~registration fee or DNA databank fee previously imposed by a court of~~
28 ~~competent jurisdiction, has made a good faith effort to comply there-~~
29 ~~with.]~~

30 3. Notwithstanding any other provision of this section to the contra-
31 ry, where a term of post-release supervision in excess of five years has
32 been imposed on a person convicted of a crime defined in article one
33 hundred thirty of the penal law, including a sexually motivated felony,
34 the board of parole may grant a discharge from post-release supervision
35 prior to the expiration of the maximum term of post-release supervision.
36 Such a discharge may be granted only after the person has served at
37 least five years of post-release supervision, and only to a person who
38 has been on unrevoked post-release supervision for at least three
39 consecutive years. No such discharge shall be granted unless the board
40 of parole or the department acting pursuant to its responsibility under
41 subdivision one of section two hundred one of the correction law
42 consults with any licensed psychologist, qualified psychiatrist, or
43 other mental health professional who is providing care or treatment to
44 the supervisee; and the board[~~:(a)~~] determines that a discharge from
45 post-release supervision is in the best interests of society[~~;(b)~~
46 ~~is satisfied that the supervisee, otherwise financially able to comply~~
47 ~~with an order of restitution and the payment of any mandatory surcharge,~~
48 ~~sex offender registration fee, or DNA data bank fee previously imposed~~
49 ~~by a court of competent jurisdiction, has made a good faith effort to~~
50 ~~comply therewith~~]. Before making a determination to discharge a person
51 from a period of post-release supervision, the board of parole may
52 request that the commissioner of the office of mental health arrange a
53 psychiatric evaluation of the supervisee. A discharge granted under this
54 section shall constitute a termination of the sentence with respect to
55 which it was granted.

56 § 5. This act shall take effect immediately.