

Governor Paterson Signs Bill to Strengthen Probation Laws



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GOVERNOR PATERSON SIGNS BILL TO STRENGTHEN PROBATION LAWS

New Measures Target Violators, Assist Probation Departments and Protect Communities

Also Signs Legislation to Better Regulate Public Accountancy

Governor David A. Paterson signed into law nine bills, including legislation that will significantly strengthen the handling of probation violations in New York State. The probation legislation sets in place several new requirements that ensure rapid responses to reported probation violations to better protect victims and communities.

Under the new probation legislation, criminal courts must react promptly to a probation department's request for a probation warrant or issuance of a declaration of delinquency. The law requires all probation warrants to be entered into the statewide law enforcement electronic criminal justice network within 48 hours of issuance, ensuring that all enforcement agencies are alerted to a probation violation. Courts must address probation violation cases within 72 hours of receiving a report of an alleged incident, and must ensure that alleged violators are promptly brought before court.

"This legislation provides probation departments with the necessary tools to make certain that alleged violations are addressed swiftly," said Governor Paterson. "We will achieve greater offender accountability and better protect victims and our communities. I want to thank Senator Owen Johnson and Assemblyman Jeffrion Aubry, for sponsoring this important legislation, as well as State Director of Probation and Correctional Alternatives Robert M. Maccarone, and all of the many probation officials who have worked tirelessly on this issue."

Director Maccarone said: "Research shows that prompt judicial attention, through admonition and positive reinforcement, is the most effective way to change offender behavior. Establishing a statewide timeframe of 72 hours for courts to address reports of alleged violative behavior, and requiring that initial court appearances for probation violation hearings occur within 10 business days underscores the seriousness of violating the terms and conditions of probation, and ultimately increases offender accountability. Requiring that all probation warrants be entered into the law enforcement electronic network within 48 hours will facilitate the prompt execution of warrants and help apprehend absconders. Taken together, these measures will also help protect the safety."

Senator Owen H. Johnson said: "I want to commend Governor Paterson for signing this important bill into law. This new law will increase the efficiency with which probation violations are handled, result in greater accountability among offenders and, ultimately, enhance public safety within our communities."

Assemblyman Jeffrion L. Aubry said: "This important piece of legislation will improve the State's ability to expedite the probation warrant review process. Both probation departments and those alleged to have violated a condition of their probation sentence will benefit from timely judicial intervention. The Assembly Majority is committed to improving our probation laws to better protect our communities, reduce recidivism and promote the successful reintegration of persons convicted of crimes."

These measures received overwhelming support from probation departments across the State, including two professional associations, the New York State Council of Probation Administrators and the New York State Probation Officers Association. There are currently approximately 125,000 adult probationers in New York State. The new law will take effect November 1, 2009.