



SHOCK ELIGIBILITY EXPANDED

On August 13, 2010, Governor Paterson signed Bill A.11391 into law, amending Correction Law § 865 (1) by expanding eligibility for the Shock Incarceration Program as well as Judicially Ordered Shock. There are two significant changes in the law which took effect immediately.

1) A person with a prior non-violent felony conviction, even though it resulted in a state prison sentence (determinate or indeterminate), is now eligible for the Shock Incarceration Program provided that the current felony conviction is a Shock eligible offense.

2) A person convicted and sentenced as a second felony drug offender for a class B felony drug offense for which the prior felony conviction was for a violent offense, will now be eligible for the Shock Incarceration Program provided that the prior sentence for the violent offense did not require state time (determinate or indeterminate sentence).

The 2009 Rockefeller Drug Law Reform Sentencing Chart has been updated to reflect the August 13, 2010 changes and can be downloaded from this link on the CCA website:

<http://www.communityalternatives.org/pdf/Sentencing-Chart-for-Drug-Offenses-color0810.pdf>

The document explaining the 2009 Drug Law Reform Early Release Programs and the 2009 Early Release Checklists have also been updated to include the August 13, 2010 changes and can be downloaded from this link on the CCA website:

<http://www.communityalternatives.org/publications/sentencing.html>