

PART 364
CONDITIONAL RELEASE CONDITIONS

(Statutory authority: Executive Law, §§243, 257-b; Correction Law, §273)

- Sec. 364.1 Conditional release conditions
3642 Other conditions of conditional release

Historical Note

Part (§§364.1-364.2) filed: May 9, 1989 as emergency measure; July 25, 1989 as emergency measure;
Aug. 29, 1989 eff. Sept. 13, 1989.

§364.1 Conditional release conditions.

Local Conditional Release Commissions shall establish at a minimum mandatory conditions whenever granting conditional release to an individual. These conditions shall require that an individual shall:

- (a) Report as directed by the probation officer or the Local Conditional Release Commission.
- (b) Remain within the county of supervision unless granted permission to leave by the probation officer. For purposes of this regulation, the county of supervision for conditional release cases in New York City shall include all five boroughs.
- (c) Permit the probation officer to visit him at his residence, place of employment or elsewhere; discuss with his probation officer any proposed changes in residence, employment, or program status; and notify the probation officer prior to any change in residence, employment or program status.
- (d) Answer all reasonable inquiries by his probation officer.
- (e) Notify his probation officer immediately any time there is contact with or he is arrested by any law enforcement agency.
- (f) Refrain from being in the company of or fraternizing with any person having a criminal record or adjudicated a youthful offender unless granted permission by his probation officer.
- (g) Obey any law or order to which the individual is subject.
- (h) Comply with any restitution order and/or mandatory surcharge previously imposed by a court of competent jurisdiction.
- (i) Submit to a search of his person, residence, vehicle or property whenever a probation officer has reasonable grounds to believe that a conditional releasee has illegal drugs, drug paraphernalia, deadly or prohibited weapons or stolen property in his possession, is engaging or has engaged in any unlawful activity.

(j) Be prohibited from owning, possessing, or purchasing any shotgun, rifle or firearm of any type without the written permission of his probation officer and owning, possessing or purchasing any deadly weapon defined in the Penal Law (loaded weapon, switchblade knife, gravity knife, pilum ballistic knife, dagger, billy, blackjack, metal knuckles), electronic dart gun, cane sword, bludgeon, chuka stick, sand bag, wrist-brace type slingshot or slingshot, dangerous knife, dirk, razor, stiletto, imitation pistol, shirken or kung-fu star or any other dangerous weapon. In addition, agree not to own, possess or purchase any instrument readily capable of causing physical injury without a satisfactory explanation for ownership, possession or purchase.

(k) Be prohibited from owning, possessing or purchasing drug paraphernalia and from using or possessing illegal drugs without proper medical authorization.

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§364.2 Other conditions of conditional release.

Other conditions of conditional release which may be imposed at the time of release or if modification occurs include:

(a) Work faithfully at a suitable employment or faithfully pursue a course of study or of vocational training that will equip him for suitable employment.

(b) Undergo medical, psychiatric, alcohol or drug treatment as determined by the probation officer and remain in a specified institution, when required for that purpose.

(c) Participate in an alcohol or substance abuse program or an intervention program as determined by the probation officer.

(d) Abstain from alcohol and/or drugs and submit to periodic alcohol or drug testing to determine abstinence.

(e) Support his dependents and meet other family responsibilities.

(f) Satisfy any other conditions reasonably related to his rehabilitation or public safety.

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