

Subdivision (b) of Section 8005.17 of Title 9 N.Y.C.R.R is amended to read as follows:

(b) Location of the hearing.

(1) [For any case in which no parole warrant has been issued or in which the releasee was ordered released on recognizance pursuant to the Executive Law, the] The final hearing shall be scheduled and held in a courthouse, in cooperation with the chief administrator of the courts and the chief administrator's designees, provided, however, that if such a courthouse is not reasonably available for such hearing, the Department may designate a suitable office or other similar facility that is not a correctional facility, detention center or local correctional facility for such hearing.

(2) Notwithstanding paragraph (1) of this subdivision, in the department's discretion and as appropriate, where the releasee is in custody or residence within a medical, correctional or similar facility, and will not be produced for a revocation proceeding at another location or courthouse, the final hearing may be scheduled and held in a location deemed necessary under the circumstances for purposes of the timely processing of the case. Subsequent changes in a releasee's custodial or residential status shall permit the department reasonable extension of time for scheduling or rescheduling at another appropriate location. [For any case in which the releasee was ordered detained following a recognizance hearing pursuant to the Executive Law, or in which the releasee is in custody in a correctional facility, detention center or local correctional facility pursuant to some other authority or basis, whether or not a parole warrant had been issued, the final hearing shall be scheduled and held in such location.

(3) Notwithstanding paragraphs (1) and (2) of this subdivision, the final hearing may, in the Department's discretion and as appropriate, be scheduled and held in a jail, detention center, state or local correctional facility, residential treatment facility, or a nursing, medical or mental health facility, as the case may be, where it is reasonably likely that the releasee will remain in custody or residence therein irrespective of the issuance of a parole warrant or the decision on recognizance pursuant to the Executive Law. Subsequent changes in a

releasee's custodial or residential status shall permit the Department reasonable extension of time for scheduling or rescheduling at another appropriate location.]