

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

(PREFILED)

January 7, 2009

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

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Correction

AN ACT to amend the executive law, in relation to the time in which reconsideration for parole shall be determined

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subparagraph (i) of paragraph (a) of subdivision 2 of
2 section 259-i of the executive law, as separately amended by section 11
3 of part E and section 9 of part F of chapter 62 of the laws of 2003, is
4 amended to read as follows:
5 (i) Except as provided in subparagraph (ii) of this paragraph, at
6 least one month prior to the date on which an inmate may be paroled
7 pursuant to subdivision one of section 70.40 of the penal law, a member
8 or members as determined by the rules of the board shall personally
9 interview such inmate and determine whether he should be paroled in
10 accordance with the guidelines adopted pursuant to subdivision four of
11 section two hundred fifty-nine-c of this article. If parole is not
12 granted upon such review, the inmate shall be informed in writing within
13 two weeks of such appearance of the factors and reasons for such denial
14 of parole. Such reasons shall be given in detail and not in conclusory
15 terms. The board shall specify a date not more than [twenty-four] SIXTY
16 months from such determination for reconsideration, and the procedures
17 to be followed upon reconsideration shall be the same. If the inmate is
18 released, he shall be given a copy of the conditions of parole. Such
19 conditions shall where appropriate, include a requirement that the paro-
20 lee comply with any restitution order, mandatory surcharge, sex offender

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

1 registration fee and DNA databank fee previously imposed by a court of
2 competent jurisdiction that applies to the parolee. The board of parole
3 shall indicate which restitution collection agency established under
4 subdivision eight of section 420.10 of the criminal procedure law, shall
5 be responsible for collection of restitution, mandatory surcharge, sex
6 offender registration fees and DNA databank fees as provided for in
7 section 60.35 of the penal law and section eighteen hundred nine of the
8 vehicle and traffic law.

9 S 2. Paragraph (a) of subdivision 2 of section 259-i of the executive
10 law, as amended by chapter 396 of the laws of 1987, is amended to read
11 as follows:

12 (a) At least one month prior to the expiration of the minimum period
13 or periods of imprisonment fixed by the court or board, a member or
14 members as determined by the rules of the board shall personally inter-
15 view an inmate serving an indeterminate sentence and determine whether
16 he should be paroled at the expiration of the minimum period or periods
17 in accordance with the guidelines adopted pursuant to subdivision four
18 of section two hundred fifty-nine-c. If parole is not granted upon such
19 review, the inmate shall be informed in writing within two weeks of such
20 appearance of the factors and reasons for such denial of parole. Such
21 reasons shall be given in detail and not in conclusory terms. The board
22 shall specify a date not more than [twenty-four] SIXTY months from such
23 determination for reconsideration, and the procedures to be followed
24 upon reconsideration shall be the same. If the inmate is released, he
25 shall be given a copy of the conditions of parole. Such conditions shall
26 where appropriate, include a requirement that the parolee comply with
27 any restitution order and mandatory surcharge previously imposed by a
28 court of competent jurisdiction that applies to the parolee. The board
29 of parole shall indicate which restitution collection agency established
30 under subdivision eight of section 420.10 of the criminal procedure law,
31 shall be responsible for collection of restitution and mandatory
32 surcharge as provided for in section 60.35 of the penal law and section
33 eighteen hundred nine of the vehicle and traffic law.

34 S 3. This act shall take effect immediately; provided that the amend-
35 ments to subparagraph (i) of paragraph (a) of subdivision 2 of section
36 259-i of the executive law made by section one of this act shall be
37 subject to the expiration and reversion of such paragraph pursuant to
38 subdivision d of section 74 of chapter 3 of the laws of 1995, as
39 amended, when upon such date the provisions of section two of this act
40 shall take effect.