S T A T E O F N E W Y O R K

4689

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

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

AN ACT to amend the correction law, in relation to certificates of relief from disabilities issued by the board of parole

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

Section 1. The opening paragraph of subdivision 3 and subdivision 5 of section 703 of the correction law, as amended by chapter 342 of the laws of 1972, are amended and a new subdivision 7 is added to read as follows:

[The] EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION SEVEN OF THIS SECTION, THE board of parole shall not issue any certificate of relief from disabilities pursuant to [subdivisions] SUBDIVISION one or two OF THIS SECTION, unless the board is satisfied that:

5. [In] EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION SEVEN OF THIS SECTION, IN granting or revoking a certificate of relief from disabilities the action of the board of parole shall be by unanimous vote of the members authorized to grant or revoke parole. Such action shall be deemed a judicial function and shall not be reviewable if done according to law.

7. WHERE A CERTIFICATE OF RELIEF FROM DISABILITIES IS SOUGHT PURSUANT TO PARAGRAPH (B) OF SUBDIVISION ONE OF THIS SECTION ON A JUDGMENT OF CONVICTION RENDERED BY A FEDERAL COURT IN THIS STATE, AND THE BOARD OF PAROLE IS IN RECEIPT OF A WRITTEN RECOMMENDATION IN FAVOR OF THE ISSUANCE OF SUCH CERTIFICATE FROM THE CHIEF PROBATION OFFICER OF THE FEDERAL DISTRICT WHERE SUCH CONVICTION WAS OBTAINED, THE BOARD SHALL, PROVIDED SUCH RECOMMENDATION IS BASED UPON A FINDING BY THE FEDERAL PROBATION OFFICE IN SUCH DISTRICT THAT, FOLLOWING ITS INVESTIGATION OF THE APPLICANT, THE REQUIREMENTS OF PARAGRAPHS (A), (B) AND (C) OF SUBDIVISION THREE OF THIS SECTION HAVE BEEN SATISFIED, ISSUE THE REQUESTED CERTIFICATE.

S 2. This act shall take effect immediately.

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

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