

103--A

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. MONTGOMERY, DIAZ, DILAN, DUANE, HASSELL-THOMPSON, KRUEGER, PARKER, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- recommitted to the Committee on Crime Victims, Crime and Correction in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to altering the membership of the state board of parole

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

1 Section 1. Subdivision 1 of section 259-b of the executive law, as
2 amended by section 38-a of subpart A of part C of chapter 62 of the laws
3 of 2011, is amended to read as follows:
4 1. There shall be in the department a state board of parole [which]
5 THAT shall possess the powers and duties hereinafter specified. The
6 board shall function independently of the department regarding all of
7 its decision-making functions, as well as any other powers and duties
8 specified in this article, provided, however, that administrative
9 matters of general applicability within the department shall be applica-
10 ble to the board. [Such] ON AND AFTER JANUARY FIRST, TWO THOUSAND THIR-
11 TEEN, SUCH board shall consist of [not more than] nineteen members
12 [appointed by the governor with the advice and consent of the senate],
13 NINE OF WHOM SHALL BE APPOINTED BY THE GOVERNOR, THREE OF WHOM SHALL BE
14 APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, THREE OF WHOM SHALL
15 BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY, TWO OF WHOM SHALL BE
16 APPOINTED BY THE MINORITY LEADER OF THE SENATE, AND TWO OF WHOM SHALL BE
17 APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY. The term of office of
18 each member of such board shall be for six years; provided, however,
19 that any member chosen to fill a vacancy occurring otherwise than by

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

LBD01513-02-2

1 expiration of term shall be appointed for the remainder of the unexpired
2 term of the member whom he OR SHE is to succeed. In the event of the
3 inability to act of any member, the governor may appoint some competent
4 informed person to act in his OR HER stead during the continuance of
5 such disability.

6 S 2. The state board of parole as constituted on the effective date of
7 this section is hereby abolished as of January 1, 2013. Members of the
8 state board of parole as constituted pursuant to the provisions of
9 subdivision 1 of section 259-b of the executive law, as amended by
10 section one of this act, shall be appointed by the appropriate state
11 official prior to January 1, 2013, so that such board may be fully oper-
12 ative on and after such date.

13 S 3. This act shall take effect immediately.