

3537--A

2011-2012 Regular Sessions

I N   S E N A T E

February 24, 2011

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Introduced by Sen. NOZZOLIO -- 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 prohibiting parole for any inmates convicted of homicide unless five or more members of the parole board are present at the hearing

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-c of the executive law, as  
2     amended by section 38-b of subpart A of part C of chapter 62 of the laws  
3     of 2011, is amended to read as follows:  
4     1. have the power and duty of determining which inmates serving an  
5     indeterminate or determinate sentence of imprisonment may be released on  
6     parole, or on medical parole pursuant to section two hundred  
7     fifty-nine-r or section two hundred fifty-nine-s of this article, and  
8     when and under what conditions; PROVIDED, HOWEVER, THAT PAROLE SHALL NOT  
9     BE GRANTED FOR ANY HOMICIDE OFFENSES AS DEFINED IN ARTICLE ONE HUNDRED  
10    TWENTY-FIVE OF THE PENAL LAW UNLESS FIVE OR MORE MEMBERS OF THE BOARD  
11    ARE PRESENT AT SUCH HEARING;  
12    S 2. Subdivision 1 of section 259-c of the executive law, as amended  
13    by chapter 55 of the laws of 1992, is amended to read as follows:  
14    1. have the power and duty of determining which inmates serving an  
15    indeterminate sentence of imprisonment may be released on parole, or on  
16    medical parole pursuant to section two hundred fifty-nine-r of this  
17    article, and when and under what conditions; PROVIDED, HOWEVER, THAT  
18    PAROLE SHALL NOT BE GRANTED FOR ANY HOMICIDE OFFENSES AS DEFINED IN  
19    ARTICLE ONE HUNDRED TWENTY-FIVE OF THE PENAL LAW UNLESS FIVE OR MORE  
20    MEMBERS OF THE BOARD ARE PRESENT AT SUCH HEARING;

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

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1     S 3. This act shall take effect immediately, provided, however, that:  
2 the amendments to subdivision 1 of section 259-c of the executive law,  
3 made by section one of this act, shall be subject to the expiration and  
4 reversion of such subdivision pursuant to subdivision d of section 74 of  
5 chapter 3 of the laws of 1995, as amended, when upon such date the  
6 provisions of section two of this act shall take effect.