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

3537--B

2011-2012 Regular Sessions

I N S E N A T E

February 24, 2011

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 -- reported favorably from said committee and committed to the Committee on Finance -- 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 at least thirty percent of the members of the parole board serving at the time, whichever is less, are present at the hearing

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

Section 1. Subdivision 1 of section 259-c of the executive law, as amended by section 38-b of subpart A of part C of chapter 62 of the laws of 2011, is amended to read as follows:

1. have the power and duty of determining which inmates serving an indeterminate or determinate sentence of imprisonment may be released on parole, or on medical parole pursuant to section two hundred fifty-nine-r or section two hundred fifty-nine-s of this article, and when and under what conditions; PROVIDED, HOWEVER, THAT PAROLE SHALL NOT BE GRANTED FOR ANY HOMICIDE OFFENSES AS DEFINED IN ARTICLE ONE HUNDRED TWENTY-FIVE OF THE PENAL LAW UNLESS FIVE OR AT LEAST THIRTY PERCENT OF THE MEMBERS SERVING AT THE TIME, WHICHEVER IS LESS, ARE PRESENT AT SUCH HEARING;

S 2. Subdivision 1 of section 259-c of the executive law, as amended by chapter 55 of the laws of 1992, is amended to read as follows:

1. have the power and duty of determining which inmates serving an indeterminate sentence of imprisonment may be released on parole, or on

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

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medical parole pursuant to section two hundred fifty-nine-r of this article, and when and under what conditions; PROVIDED, HOWEVER, THAT PAROLE SHALL NOT BE GRANTED FOR ANY HOMICIDE OFFENSES AS DEFINED IN ARTICLE ONE HUNDRED TWENTY-FIVE OF THE PENAL LAW UNLESS FIVE OR AT LEAST THIRTY PERCENT OF THE MEMBERS SERVING AT THE TIME, WHICHEVER IS LESS, ARE PRESENT AT SUCH HEARING;

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