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

7248

I N S E N A T E

May 2, 2012

Introduced by Sen. GALLIVAN -- 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 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:

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

1. There shall be in the department a state board of parole [which] THAT shall possess the powers and duties hereinafter specified. The board shall function independently of the department regarding all of its decision-making functions, as well as any other powers and duties specified in this article, provided, however, that administrative matters of general applicability within the department shall be applicable to the board. Such board shall consist of not more than nineteen members [appointed by the governor with the advice and consent of the senate]. THE FIRST, THIRD, FIFTH, SEVENTH, NINTH, ELEVENTH AND THIRTEENTH MEMBERS OF THE PAROLE BOARD SHALL BE APPOINTED BY THE GOVERNOR. THE SECOND, SIXTH, TENTH AND FOURTEENTH MEMBERS OF THE PAROLE BOARD SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE. THE FOURTH, EIGHTH, TWELFTH AND FIFTEENTH MEMBERS OF THE PAROLE BOARD SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY. THE SIXTEENTH AND EIGHTEENTH MEMBERS OF THE PAROLE BOARD SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE. THE SEVENTEENTH AND NINETEENTH MEMBERS OF THE PAROLE BOARD SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY. WHENEVER A VACANCY OCCURS OR THE TERM OF ANY MEMBER EXPIRES, HIS OR HER SEAT SHALL BE FILLED IN THE MANNER OF HIS OR HER ORIGINAL APPOINTMENT. The term of office of each member of such board shall be for six years; provided, however, that any member chosen to fill a vacancy occurring otherwise than by expiration of term shall be appointed for the remainder of the unexpired term of the member whom he OR SHE is to succeed. In the event of the inability to act of any member, the governor may appoint some

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

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competent informed person to act in his OR HER stead during the continuance of such disability.

S 2. For the purpose of numbering sitting members of the parole board when this act takes effect, the appointed or acting parole board member with his or her term having the earliest expiration date shall be considered the first member of the parole board. The appointed or acting parole board member with his or her term having the next earliest expiration date shall be considered the second member, and so on until all parole board members are numbered. In the event that two or more members' terms expire on the same day the older member shall be considered the lower numbered member of the parole board. No part of this act shall be construed to modify in any way the term of an appointed member of the parole board or to make any acting member of the parole board an appointed member.

S 3. This act shall take effect immediately.