

STATE OF NEW YORK

S. 2997

A. 2350

2017-2018 Regular Sessions

SENATE - ASSEMBLY

January 18, 2017

IN SENATE -- Introduced by Sens. LAVALLE, DeFRANCISCO, GOLDEN, LARKIN, O'MARA, SEWARD, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

IN ASSEMBLY -- Introduced by M. of A. THIELE, PALMESANO, MAGNARELLI, STIRPE, McDONOUGH, GRAF, FINCH, KOLB, SALADINO, WOERNER, RAIA, BRABE-NEC, RA, LUPINACCI, SEPULVEDA, WALTER, OAKS, GIGLIO, GARBARINO, McKEVITT, CROUCH, LALOR, MURRAY, LAWRENCE, PALUMBO, HAWLEY, FITZPATRICK, CASTORINA, BLANKENBUSH, STEC, GOODELL, DiPIETRO, RYAN, KEARNS, DILAN -- Multi-Sponsored by -- M. of A. BARCLAY, BUTLER, CURRAN, FRIEND, JOHNS, LOPEZ, MALLIOTAKIS, McLAUGHLIN, MONTESANO, SCHIMMINGER -- read once and referred to the Committee on Correction

AN ACT to amend the executive law, in relation to the time in which reconsideration for parole shall be determined

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subparagraph (i) of paragraph (a) of subdivision 2 of
2 section 259-i of the executive law, as amended by section 38-f-1 of
3 subpart A of part C of chapter 62 of the laws of 2011, is amended to
4 read as follows:
5 (i) Except as provided in subparagraph (ii) of this paragraph, at
6 least one month prior to the date on which an inmate may be paroled
7 pursuant to subdivision one of section 70.40 of the penal law, a member
8 or members as determined by the rules of the board shall personally
9 interview such inmate and determine whether he or she should be paroled
10 in accordance with the guidelines adopted pursuant to subdivision four
11 of section two hundred fifty-nine-c of this article. If parole is not
12 granted upon such review, the inmate shall be informed in writing within
13 two weeks of such appearance of the factors and reasons for such denial
14 of parole. Such reasons shall be given in detail and not in conclusory

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

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1 terms. The board shall specify a date not more than twenty-four months
2 from such determination for reconsideration, and the procedures to be
3 followed upon reconsideration shall be the same, however in the case of
4 a defendant sentenced for an eligible class A felony, the board shall
5 specify a date not more than sixty months from such determination for
6 reconsideration, and the procedures to be followed for reconsideration
7 shall be the same. For the purposes of this section an "eligible class A
8 felony" shall mean a conviction for the class A-I felonies of: murder in
9 the first degree as defined in section 125.27 of the penal law where a
10 sentence other than death or life imprisonment without parole is
11 imposed; murder in the second degree as defined in section 125.25 of the
12 penal law where a sentence other than life imprisonment without parole
13 is imposed; and the class A-II felonies of predatory sexual assault as
14 defined in section 130.95 of the penal law and predatory sexual assault
15 against a child as defined in section 130.96 of the penal law. If the
16 inmate is released, he or she shall be given a copy of the conditions of
17 parole. Such conditions shall where appropriate, include a requirement
18 that the parolee comply with any restitution order, mandatory surcharge,
19 sex offender registration fee and DNA databank fee previously imposed by
20 a court of competent jurisdiction that applies to the parolee. The
21 conditions shall indicate which restitution collection agency estab-
22 lished under subdivision eight of section 420.10 of the criminal proce-
23 dure law, shall be responsible for collection of restitution, mandatory
24 surcharge, sex offender registration fees and DNA databank fees as
25 provided for in section 60.35 of the penal law and section eighteen
26 hundred nine of the vehicle and traffic law.

27 § 2. Paragraph (a) of subdivision 2 of section 259-i of the executive
28 law, as amended by section 38-f-2 of subpart A of part C of chapter 62
29 of the laws of 2011, is amended to read as follows:

30 (a) At least one month prior to the expiration of the minimum period
31 or periods of imprisonment fixed by the court or board, a member or
32 members as determined by the rules of the board shall personally inter-
33 view an inmate serving an indeterminate sentence and determine whether
34 he or she should be paroled at the expiration of the minimum period or
35 periods in accordance with the procedures adopted pursuant to subdivi-
36 sion four of section two hundred fifty-nine-c. If parole is not granted
37 upon such review, the inmate shall be informed in writing within two
38 weeks of such appearance of the factors and reasons for such denial of
39 parole. Such reasons shall be given in detail and not in conclusory
40 terms. The board shall specify a date not more than twenty-four months
41 from such determination for reconsideration, and the procedures to be
42 followed upon reconsideration shall be the same, however in the case of
43 a defendant sentenced for an eligible class A felony, the board shall
44 specify a date not more than sixty months from such determination for
45 reconsideration, and the procedures to be followed for reconsideration
46 shall be the same. For the purposes of this section an "eligible class A
47 felony" shall mean a conviction for the class A-I felonies of: murder in
48 the first degree as defined in section 125.27 of the penal law where a
49 sentence other than death or life imprisonment without parole is
50 imposed; murder in the second degree as defined in section 125.25 of the
51 penal law where a sentence other than life imprisonment without parole
52 is imposed; and the class A-II felonies of predatory sexual assault as
53 defined in section 130.95 of the penal law and predatory sexual assault
54 against a child as defined in section 130.96 of the penal law. If the
55 inmate is released, he or she shall be given a copy of the conditions of
56 parole. Such conditions shall where appropriate, include a requirement

1 that the parolee comply with any restitution order and mandatory
2 surcharge previously imposed by a court of competent jurisdiction that
3 applies to the parolee. The conditions shall indicate which restitution
4 collection agency established under subdivision eight of section 420.10
5 of the criminal procedure law, shall be responsible for collection of
6 restitution and mandatory surcharge as provided for in section 60.35 of
7 the penal law and section eighteen hundred nine of the vehicle and traf-
8 fic law.

9 § 3. This act shall take effect immediately and shall apply to all
10 future and currently incarcerated individuals sentenced for an eligible
11 class A felony; provided that the amendments to subparagraph (i) of
12 paragraph (a) of subdivision 2 of section 259-i of the executive law
13 made by section one of this act shall be subject to the expiration and
14 reversion of such paragraph pursuant to subdivision d of section 74 of
15 chapter 3 of the laws of 1995, as amended, when upon such date the
16 provisions of section two of this act shall take effect.