

# STATE OF NEW YORK

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3475

2021-2022 Regular Sessions

## IN ASSEMBLY

January 26, 2021

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Introduced by M. of A. DE LA ROSA, CARROLL, AUBRY, CRUZ, LAVINE, PERRY, KIM, GOTTFRIED, O'DONNELL, SIMON, EPSTEIN, BARRON, REYES, RODRIGUEZ, WALKER, D. ROSENTHAL, COOK, ROZIC, PICHARDO, TAYLOR, DICKENS, JOYNER, L. ROSENTHAL, NIOU, FAHY, DARLING, HYNDMAN, VANEL, FERNANDEZ, GLICK -- Multi-Sponsored by -- M. of A. FRONTUS, HEVESI, QUART -- read once and referred to the Committee on Correction

AN ACT to amend the executive law, in relation to parole eligibility for certain inmates aged fifty-five or older

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

1 Section 1. Section 259-c of the executive law is amended by adding a  
2 new subdivision 18 to read as follows:

3 18. notwithstanding any other section of the law, where a person serv-  
4 ing a sentence of incarceration has served at least fifteen years of a  
5 determinate or indeterminate sentence and has reached the age of fifty-  
6 five or greater, the board shall conduct a hearing pursuant to this  
7 section and section two hundred fifty nine-i of this article to deter-  
8 mine whether such person should be released to community supervision. If  
9 the board determines that there is a reasonable probability that, if  
10 such person is released, he or she will live and remain at liberty with-  
11 out violating the law and that his or her release is not incompatible  
12 with the welfare of society, then the board shall release the person to  
13 community supervision even if the person has not served the minimum  
14 sentence imposed by the judge. If release to community supervision is  
15 not granted, the inmate shall be informed in writing within two weeks of  
16 such appearance of the factors and reasons for the denial of such  
17 release and the board shall specify a date not more than twenty-four  
18 months from such determination for reconsideration, and the procedures  
19 to be followed upon reconsideration shall be the same. If release to  
20 community supervision is granted, the board shall set release conditions

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

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1 and the provisions of this section shall otherwise apply as though the  
2 inmate was released after the completion of his or her minimum sentence.  
3 § 2. This act shall take effect on the one hundred eightieth day after  
4 it shall have become a law.