

STATE OF NEW YORK

7242

2025-2026 Regular Sessions

IN ASSEMBLY

March 21, 2025

Introduced by M. of A. PALMESANO, BARCLAY, ANGELINO, BLUMENCRANZ, BRABENEK, BROOK-KRASNY, DiPIETRO, FRIEND, GALLAHAN, GANDOLFO, GRAY, HAWLEY, JENSEN, MANKTELOW, McDONOUGH, NOVAKHOV, SLATER, TAGUE -- read once and referred to the Committee on Correction

AN ACT to amend the executive law, in relation to extending the maximum number of months for the reconsideration of denied applications for parole for certain felony offenses

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 14 of chapter
3 486 of the laws of 2022, is amended to read as follows:
4 (i) Except as provided in subparagraph (ii) of this paragraph, at
5 least one month prior to the date on which an incarcerated individual
6 may be paroled pursuant to subdivision one of section 70.40 of the penal
7 law, a member or members as determined by the rules of the board shall
8 personally interview such incarcerated individual and determine whether
9 ~~[he or she]~~ such incarcerated individual should be paroled in accordance
10 with the guidelines adopted pursuant to subdivision four of section two
11 hundred fifty-nine-c of this article. If parole is not granted upon such
12 review, the incarcerated individual 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
15 terms. The board shall specify a date not more than twenty-four months
16 from such determination for reconsideration, and the procedures to be
17 followed upon reconsideration shall be the same, provided, however in
18 the case of a defendant sentenced for an eligible felony offense, the
19 board shall specify a date not more than sixty months from such determi-
20 nation for reconsideration and the procedures to be followed for recon-
21 sideration shall be the same. For the purposes of this section an
22 "eligible felony offense" shall mean a conviction for the class A-I

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

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1 felonies of: murder in the first degree as defined in section 125.27 of
2 the penal law where a sentence other than death or life imprisonment
3 without parole is imposed; aggravated murder as defined in section
4 125.26 of the penal law where a sentence other than death or life impri-
5 sonment without parole is imposed; murder in the second degree as
6 defined in section 125.25 of the penal law where a sentence other than
7 life imprisonment without parole is imposed; the class A-II felonies of
8 predatory sexual assault as defined in section 130.95 of the penal law
9 and predatory sexual assault against a child as defined in section
10 130.96 of the penal law. If the incarcerated individual is released, [~~he~~
11 ~~or she~~] such incarcerated individual shall be given a copy of the condi-
12 tions of parole. Such conditions shall where appropriate, include a
13 requirement that the parolee comply with any restitution order, mandato-
14 ry surcharge, sex offender registration fee and DNA databank fee previ-
15 ously imposed by a court of competent jurisdiction that applies to the
16 parolee. The conditions shall indicate which restitution collection
17 agency established under subdivision eight of section 420.10 of the
18 criminal procedure law, shall be responsible for collection of restitu-
19 tion, mandatory surcharge, sex offender registration fees and DNA data-
20 bank fees as provided for in section 60.35 of the penal law and section
21 eighteen hundred nine of the vehicle and traffic law. If the incarcerat-
22 ed individual is released, [~~he or she~~] such incarcerated individual
23 shall also be notified in writing that [~~his or her~~] their voting rights
24 will be restored upon release.

25 § 2. Paragraph (a) of subdivision 2 of section 259-i of the executive
26 law, as amended by section 15 of chapter 486 of the laws of 2022, is
27 amended to read as follows:

28 (a) At least one month prior to the expiration of the minimum period
29 or periods of imprisonment fixed by the court or board, a member or
30 members as determined by the rules of the board shall personally inter-
31 view an incarcerated individual serving an indeterminate sentence and
32 determine whether [~~he or she~~] such incarcerated individual should be
33 paroled at the expiration of the minimum period or periods in accordance
34 with the procedures adopted pursuant to subdivision four of section two
35 hundred fifty-nine-c of this article. If parole is not granted upon such
36 review, the incarcerated individual shall be informed in writing within
37 two weeks of such appearance of the factors and reasons for such denial
38 of parole. Such reasons shall be given in detail and not in conclusory
39 terms. The board shall specify a date not more than twenty-four months
40 from such determination for reconsideration, and the procedures to be
41 followed upon reconsideration shall be the same, provided, however in
42 the case of a defendant sentenced for an eligible felony offense, the
43 board shall specify a date not more than sixty months from such determi-
44 nation for reconsideration and the procedures to be followed for recon-
45 sideration shall be the same. For the purposes of this section an
46 "eligible felony offense" shall mean a conviction for the class A-I
47 felonies of: murder in the first degree as defined in section 125.27 of
48 the penal law where a sentence other than death or life imprisonment
49 without parole is imposed; aggravated murder as defined in section
50 125.26 of the penal law where a sentence other than death or life impri-
51 sonment without parole is imposed; murder in the second degree as
52 defined in section 125.25 of the penal law where a sentence other than
53 life imprisonment without parole is imposed; the class A-II felonies of
54 predatory sexual assault as defined in section 130.95 of the penal law
55 and predatory sexual assault against a child as defined in section
56 130.96 of the penal law. If the incarcerated individual is released,

1 [~~he or she~~] such incarcerated individual shall be given a copy of the
2 conditions of parole. Such conditions shall where appropriate, include a
3 requirement that the parolee comply with any restitution order and
4 mandatory surcharge previously imposed by a court of competent jurisdic-
5 tion that applies to the parolee. The conditions shall indicate which
6 restitution collection agency established under subdivision eight of
7 section 420.10 of the criminal procedure law, shall be responsible for
8 collection of restitution and mandatory surcharge as provided for in
9 section 60.35 of the penal law and section eighteen hundred nine of the
10 vehicle and traffic law. If the incarcerated individual is released, [~~he~~
11 ~~or she~~] such incarcerated individual shall also be notified in writing
12 that [~~his or her~~] their voting rights will be restored upon release.

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