

STATE OF NEW YORK

5085

2025-2026 Regular Sessions

IN SENATE

February 18, 2025

Introduced by Sen. SEPULVEDA -- 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 modifying the factors to be considered when making a parole release decision

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

1 Section 1. Subparagraph (A) of paragraph (c) of subdivision 2 of
2 section 259-i of the executive law, as amended by chapter 322 of the
3 laws of 2021, is amended to read as follows:
4 (A) Discretionary release on parole shall not be granted merely as a
5 reward for good conduct or efficient performance of duties while
6 confined but after considering if there is a reasonable probability
7 that, if such incarcerated individual is released, [~~he or she~~] such
8 incarcerated individual will live and remain at liberty without violat-
9 ing the law, and that [~~his or her~~] such incarcerated individual's
10 release is not incompatible with the welfare of society and will not so
11 deprecate the seriousness of [~~his or her~~] such incarcerated individual's
12 crime as to undermine respect for law. In making the parole release
13 decision, the procedures adopted pursuant to subdivision four of section
14 two hundred fifty-nine-c of this article shall require that the follow-
15 ing be considered: (i) the institutional record including program goals
16 and accomplishments, academic achievements, vocational education, train-
17 ing or work assignments, therapy and interactions with staff and incar-
18 cerated individuals; (ii) performance, if any, as a participant in a
19 temporary release program; (iii) release plans including community
20 resources, employment, education and training and support services
21 available to the incarcerated individual; (iv) any deportation order
22 issued by the federal government against the incarcerated individual
23 while in the custody of the department and any recommendation regarding
24 deportation made by the commissioner of the department pursuant to

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

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1 section one hundred forty-seven of the correction law; (v) any current
2 or prior statement made to the board by the crime victim or the victim's
3 representative, where the crime victim is deceased or is mentally or
4 physically incapacitated; (vi) the length of the determinate sentence to
5 which the incarcerated individual would be subject had [~~he or she~~] such
6 incarcerated individual received a sentence pursuant to section 70.70 or
7 section 70.71 of the penal law for a felony defined in article two
8 hundred twenty [~~or article two hundred twenty one~~] of the penal law;
9 (vii) the [~~seriousness of the offense with due consideration to the type~~
10 ~~of sentence, length of sentence and~~] recommendations of the sentencing
11 court, the district attorney, the attorney for the incarcerated individ-
12 ual, the pre-sentence probation report as well as consideration of any
13 mitigating and aggravating factors[~~, and activities following arrest~~
14 ~~prior to confinement~~]; and (viii) prior criminal record, including the
15 nature and pattern of offenses, adjustment to any previous probation or
16 parole supervision and institutional confinement. The board shall
17 provide toll free telephone access for crime victims. In the case of an
18 oral statement made in accordance with subdivision one of section 440.50
19 of the criminal procedure law, the parole board member shall present a
20 written report of the statement to the parole board. A crime victim's
21 representative shall mean the crime victim's closest surviving relative,
22 the committee or guardian of such person, or the legal representative of
23 any such person. Such statement submitted by the victim or victim's
24 representative may include information concerning threatening or intim-
25 idating conduct toward the victim, the victim's representative, or the
26 victim's family, made by the person sentenced and occurring after the
27 sentencing. Such information may include, but need not be limited to,
28 the threatening or intimidating conduct of any other person who or which
29 is directed by the person sentenced. Any statement by a victim or the
30 victim's representative made to the board shall be maintained by the
31 department in the file provided to the board when interviewing the
32 incarcerated individual in consideration of release. A victim or
33 victim's representative who has submitted a written request to the
34 department for the transcript of such interview shall be provided such
35 transcript as soon as it becomes available.

36 § 2. This act shall take effect immediately.