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

617

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. JEFFRIES -- read once and referred to the Committee on Election Law

AN ACT to amend the correction law, the executive law and the election law, in relation to voter registration applications provided to ex-felons

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The correction law is amended by adding a new section 75 to read as follows:

S 75. DISCHARGE; PROVISION OF VOTER REGISTRATION FORM. 1. UPON THE DISCHARGE FROM A CORRECTIONAL FACILITY OF ANY UNITED STATES CITIZEN WHO HAS FULLY COMPLETED A SENTENCE OF IMPRISONMENT FOR THE CONVICTION OF A FELONY, THE DEPARTMENT SHALL PROVIDE SUCH CITIZEN WITH A FORM OF APPLICATION FOR VOTER REGISTRATION BY MAIL TOGETHER WITH WRITTEN INFORMATION DISTRIBUTED BY A BOARD OF ELECTION ON THE IMPORTANCE AND THE MECHANICS OF VOTING.

2. THE COMMISSIONER SHALL, ON OR BEFORE THE FIFTEENTH DAY OF EACH MONTH, TRANSMIT TO THE SECRETARY OF STATE A LIST OF ALL PERSONS WHO, DURING THE PRECEDING CALENDAR MONTH, HAVE BEEN RELEASED FROM CONFINEMENT IN A CORRECTIONAL INSTITUTION OR FACILITY OR A COMMUNITY RESIDENCE AND, IF APPLICABLE, DISCHARGED FROM PAROLE. SUCH LISTS SHALL INCLUDE THE NAMES, BIRTH DATES AND ADDRESSES OF SUCH PERSONS, WITH THE DATES OF THEIR CONVICTIONS. THE SECRETARY OF STATE SHALL TRANSMIT SUCH LISTS TO THE REGISTRARS OF THE MUNICIPALITIES IN WHICH SUCH CONVICTED PERSONS RESIDED AT THE TIME OF THEIR CONVICTIONS AND TO THE REGISTRARS OF ANY MUNICIPALITIES WHERE THE SECRETARY BELIEVES SUCH PERSONS MAY BE ELECTORS.

S 2. Subdivision 2 of section 259-j of the executive law, as separately amended by section 10 of part F and section 1 of part N of chapter 62 of the laws of 2003, is amended to read as follows:

2. A merit termination granted by the division of parole under this section shall constitute a termination of the sentence with respect to which it was granted. No such merit termination shall be granted unless

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

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the division of parole is satisfied that termination of sentence from presumptive release, parole or from conditional release is in the best interest of society, and that the parolee or releasee, otherwise financially able to comply with an order of restitution and the payment of any mandatory surcharge previously imposed by a court of competent jurisdiction, has made a good faith effort to comply therewith. UPON SUCH DISCHARGE, THE BOARD OF PAROLE SHALL PROVIDE ANY SUCH UNITED STATES CITIZEN PAROLEE WITH A FORM OF APPLICATION FOR VOTER REGISTRATION BY MAIL TOGETHER WITH WRITTEN INFORMATION DISTRIBUTED BY A BOARD OF ELECTIONS ON THE IMPORTANCE AND THE MECHANICS OF VOTING.

S 3. Subdivision 1 of section 259-j of the executive law, as amended by chapter 738 of the laws of 2004, is amended to read as follows:

1. Except where a determinate sentence is imposed for a violent felony offense as defined in section 70.02 of the penal law, or a sentence with a maximum term of life imprisonment was imposed for a felony other than a felony defined in article two hundred twenty of the penal law, if the board of parole is satisfied that an absolute discharge from parole or from conditional release is in the best interests of society, the board may grant such a discharge prior to the expiration of the full maximum term to any person who has been on unrevoked parole or conditional release for at least three consecutive years. A discharge granted under this section shall constitute a termination of the sentence with respect to which it was granted. No such discharge shall be granted unless the board of parole is satisfied that the parolee, otherwise financially able to comply with an order of restitution and the payment of any mandatory surcharge, sex offender registration fee or DNA databank fee previously imposed by a court of competent jurisdiction, has made a good faith effort to comply therewith. UPON SUCH DISCHARGE, THE BOARD OF PAROLE SHALL PROVIDE ANY SUCH UNITED STATES CITIZEN PAROLEE WITH A FORM OF APPLICATION FOR VOTER REGISTRATION BY MAIL TOGETHER WITH WRITTEN INFORMATION DISTRIBUTED BY A BOARD OF ELECTIONS ON THE IMPORTANCE AND THE MECHANICS OF VOTING.

S 4. Subdivision 2 of section 5-106 of the election law, as amended by chapter 373 of the laws of 1978, is amended to read as follows:

2. No person who has been convicted of a felony pursuant to the laws of this state, shall have the right to register for or vote at any election unless [he] SUCH PERSON shall have been pardoned or restored to the rights of citizenship by the governor, or [his] SUCH PERSON'S maximum sentence of imprisonment has expired, or [he] SUCH PERSON has been discharged from parole. The governor, however, may attach as a condition to any such pardon a provision that any such person shall not have the right of suffrage until it shall have been separately restored to him. UPON THE EXPIRATION OF SUCH PERSON'S MAXIMUM SENTENCE OF IMPRISONMENT, OR UPON SUCH PERSON'S DISCHARGE FROM PAROLE, THE COMMISSIONER SHALL IN THE CASE OF ANY CITIZEN SEND A NOTICE OF VOTER ELIGIBILITY TO THE APPROPRIATE BOARD OF ELECTIONS VERIFYING THE FORMER INMATE'S OR PAROLEE'S ELIGIBILITY TO REGISTER TO VOTE AND TO VOTE, AND SHALL MAIL THE SAME NOTICE TO THE FORMER INMATE OR PAROLEE.

S 5. This act shall take effect immediately, provided that the amendments to section 259-j of the executive law made by section two of this act shall be subject to the expiration and reversion of such section pursuant to section 74 of chapter 3 of the laws of 1995, as amended, when upon such date the provisions of section three of this act shall take effect.