

2671

2009-2010 Regular Sessions

I N   S E N A T E

February 26, 2009

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Introduced by Sens. MORAHAN, LARKIN, PADAVAN -- 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 prohibiting parole for any inmates convicted for homicide unless five or more members of the parole board are present at the hearing

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

1     Section 1. Subdivision 1 of section 259-c of the executive law, as  
2 amended by chapter 3 of the laws of 1995, is amended to read as follows:  
3     1. have the power and duty of determining which inmates serving an  
4 indeterminate or determinate sentence of imprisonment may be released on  
5 parole, or on medical parole pursuant to section two hundred  
6 fifty-nine-r of this article, and when and under what conditions;   
7 PROVIDED, HOWEVER, THAT PAROLE SHALL NOT BE GRANTED FOR ANY HOMICIDE  
8 OFFENSES AS DEFINED IN ARTICLE ONE HUNDRED TWENTY-FIVE OF THE PENAL LAW  
9 UNLESS FIVE OR MORE MEMBERS OF THE BOARD ARE PRESENT AT SUCH HEARING;  
10     S 2. Subdivision 1 of section 259-c of the executive law, as added by  
11 chapter 904 of the laws of 1977 and amended by chapter 3 of the laws of  
12 1995, is amended to read as follows:  
13     1. have the power and duty of determining which inmates serving an  
14 indeterminate or determinate or a reformatory sentence of imprisonment  
15 may be released on parole and when and under what conditions; PROVIDED,  
16 HOWEVER, THAT PAROLE SHALL NOT BE GRANTED FOR ANY HOMICIDE OFFENSES AS  
17 DEFINED IN ARTICLE ONE HUNDRED TWENTY-FIVE OF THE PENAL LAW UNLESS FIVE  
18 OR MORE MEMBERS OF THE BOARD ARE PRESENT AT SUCH HEARING;  
19     S 3. Subdivision 1 of section 259-c of the executive law, as added by  
20 chapter 904 of the laws of 1977, is amended to read as follows:  
21     1. have the power and duty of determining which inmates serving an  
22 indeterminate or a reformatory sentence of imprisonment may be released  
23 on parole and when and under what conditions; PROVIDED, HOWEVER, THAT

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

LBD08567-01-9

1 PAROLE SHALL NOT BE GRANTED FOR ANY HOMICIDE OFFENSES AS DEFINED IN  
2 ARTICLE ONE HUNDRED TWENTY-FIVE OF THE PENAL LAW OR UNLESS FIVE OR MORE  
3 MEMBERS OF THE BOARD ARE PRESENT AT SUCH HEARING;

4 S 4. This act shall take effect immediately, provided, however, that:

5 a. the amendment to subdivision 1 of section 259-c of the executive  
6 law, made by section one of this act, shall not affect the expiration  
7 and reversion of such subdivision pursuant to subdivision (r) of section  
8 427 of chapter 55 of the laws of 1992, as amended, and shall be deemed  
9 repealed therewith, when upon such date the provisions of section two of  
10 this act shall take effect.

11 b. the amendment to subdivision 1 of section 259-c of the executive  
12 law, made by section two of this act, shall not affect the expiration  
13 and reversion of such subdivision pursuant to subdivision d of section  
14 74 of chapter 3 of the laws of 1995, as amended, and shall be deemed  
15 repealed therewith, when upon such date the provisions of section three  
16 of this act shall take effect.