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

2671

2009-2010 Regular Sessions

I N S E N A T E

February 26, 2009

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:

Section 1. Subdivision 1 of section 259-c of the executive law, as amended by chapter 3 of the laws of 1995, is amended to read as follows:

1. have the power and duty of determining which inmates serving an indeterminate or determinate sentence of imprisonment may be released on parole, or on medical parole pursuant to section two hundred fifty-nine-r of this article, and when and under what conditions; PROVIDED, HOWEVER, THAT PAROLE SHALL NOT BE GRANTED FOR ANY HOMICIDE OFFENSES AS DEFINED IN ARTICLE ONE HUNDRED TWENTY-FIVE OF THE PENAL LAW UNLESS FIVE OR MORE MEMBERS OF THE BOARD ARE PRESENT AT SUCH HEARING;

S 2. Subdivision 1 of section 259-c of the executive law, as added by chapter 904 of the laws of 1977 and amended by chapter 3 of the laws of 1995, is amended to read as follows:

1. have the power and duty of determining which inmates serving an indeterminate or determinate or a reformatory sentence of imprisonment may be released on parole and when and under what conditions; PROVIDED, HOWEVER, THAT PAROLE SHALL NOT BE GRANTED FOR ANY HOMICIDE OFFENSES AS DEFINED IN ARTICLE ONE HUNDRED TWENTY-FIVE OF THE PENAL LAW UNLESS FIVE OR MORE MEMBERS OF THE BOARD ARE PRESENT AT SUCH HEARING;

S 3. Subdivision 1 of section 259-c of the executive law, as added by chapter 904 of the laws of 1977, is amended to read as follows:

1. have the power and duty of determining which inmates serving an indeterminate or a reformatory sentence of imprisonment may be released 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

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

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

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pursuant to subdivision (r) of section 427 of chapter 55 of the laws of 1992, as amended, and shall be deemed repealed therewith, when upon such date the provisions of section two of this act shall take effect.

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