

3559

2009-2010 Regular Sessions

I N S E N A T E

March 24, 2009

Introduced by Sen. ADAMS -- 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 correction law and the executive law, in relation to requiring persons released from prison or parole to be advised of their eligibility to vote

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

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

3 S 75. DISCHARGE; NOTIFICATION OF ELIGIBILITY TO VOTE. UPON THE
4 DISCHARGE FROM A CORRECTIONAL FACILITY OF ANY PERSON WHO HAS FULLY
5 COMPLETED A SENTENCE OF IMPRISONMENT FOR THE CONVICTION OF A FELONY, THE
6 DEPARTMENT SHALL PROVIDE SUCH PERSON WITH WRITTEN NOTICE THAT SUCH
7 PERSON IS ELIGIBLE TO REGISTER TO VOTE AND TO VOTE AFTER SUCH DISCHARGE.

8 S 2. Subdivisions 2 and 4 of section 259-j of the executive law,
9 subdivision 2 as separately amended by section 10 of part F and section
10 1 of part N of chapter 62 of the laws of 2003 and subdivision 4 as
11 amended by chapter 310 of the laws of 2008, are amended to read as
12 follows:

13 2. A merit termination granted by the division of parole under this
14 section shall constitute a termination of the sentence with respect to
15 which it was granted. No such merit termination shall be granted unless
16 the division of parole is satisfied that termination of sentence from
17 presumptive release, parole or from conditional release is in the best
18 interest of society, and that the parolee or releasee, otherwise finan-
19 cially able to comply with an order of restitution and the payment of
20 any mandatory surcharge previously imposed by a court of competent
21 jurisdiction, has made a good faith effort to comply therewith. UPON
22 SUCH TERMINATION, THE BOARD OF PAROLE SHALL PROVIDE THE PAROLEE WITH

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

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1 WRITTEN NOTICE THAT HE OR SHE IS ELIGIBLE TO REGISTER TO VOTE AND TO
2 VOTE AFTER THE TERMINATION.

3 4. Except where a determinate sentence was imposed for a felony, if
4 the board of parole is satisfied that an absolute discharge from
5 presumptive release, parole or conditional release is in the best inter-
6 ests of society, the board may grant such a discharge prior to the expi-
7 ration of the full term or maximum term to any person who has been on
8 unrevoked presumptive release, parole or conditional release for at
9 least three consecutive years. A discharge granted under this section
10 shall constitute a termination of the sentence with respect to which it
11 was granted. No such discharge shall be granted unless the board of
12 parole is satisfied that the parolee or releasee, otherwise financially
13 able to comply with an order of restitution and the payment of any
14 mandatory surcharge, sex offender registration fee or DNA databank fee
15 previously imposed by a court of competent jurisdiction, has made a good
16 faith effort to comply therewith. UPON DISCHARGE, THE BOARD OF PAROLE
17 SHALL PROVIDE THE PAROLEE WITH WRITTEN NOTICE THAT HE OR SHE IS ELIGIBLE
18 TO REGISTER TO VOTE AND TO VOTE AFTER THE DISCHARGE.

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

21 1. Except where a determinate sentence is imposed for a violent felony
22 offense as defined in section 70.02 of the penal law, or a sentence with
23 a maximum term of life imprisonment was imposed for a felony other than
24 a felony defined in article two hundred twenty of the penal law, if the
25 board of parole is satisfied that an absolute discharge from parole or
26 from conditional release is in the best interests of society, the board
27 may grant such a discharge prior to the expiration of the full maximum
28 term to any person who has been on unrevoked parole or conditional
29 release for at least three consecutive years. A discharge granted under
30 this section shall constitute a termination of the sentence with respect
31 to which it was granted. No such discharge shall be granted unless the
32 board of parole is satisfied that the parolee, otherwise financially
33 able to comply with an order of restitution and the payment of any
34 mandatory surcharge, sex offender registration fee or DNA databank fee
35 previously imposed by a court of competent jurisdiction, has made a good
36 faith effort to comply therewith. UPON SUCH DISCHARGE, THE BOARD OF
37 PAROLE SHALL PROVIDE THE PAROLEE WITH WRITTEN NOTICE THAT HE OR SHE IS
38 ELIGIBLE TO REGISTER TO VOTE AND TO VOTE AFTER THE DISCHARGE.

39 S 4. This act shall take effect on the thirtieth day after it shall
40 have become a law, provided that the amendments to section 259-j of the
41 executive law, made by section two of this act, shall not affect the
42 expiration and reversion of such section pursuant to subdivision d of
43 section 74 of chapter 3 of the laws of 1995, as amended, and shall
44 expire therewith, when upon such date the provisions of section three of
45 this act shall take effect.