

S. 425

A. 1188

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

(PREFILED)

January 7, 2009

---

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Correction

AN ACT to amend the executive law, in relation to the time in which reconsideration for parole shall be determined

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

1     Section 1. Subparagraph (i) of paragraph (a) of subdivision 2 of  
2     section 259-i of the executive law, as separately amended by section 11  
3     of part E and section 9 of part F of chapter 62 of the laws of 2003, is  
4     amended to read as follows:  
5     (i) Except as provided in subparagraph (ii) of this paragraph, at  
6     least one month prior to the date on which an inmate may be paroled  
7     pursuant to subdivision one of section 70.40 of the penal law, a member  
8     or members as determined by the rules of the board shall personally  
9     interview such inmate and determine whether he should be paroled in  
10    accordance with the guidelines adopted pursuant to subdivision four of  
11    section two hundred fifty-nine-c of this article. If parole is not  
12    granted upon such review, the inmate shall be informed in writing within  
13    two weeks of such appearance of the factors and reasons for such denial  
14    of parole. Such reasons shall be given in detail and not in conclusory  
15    terms. The board shall specify a date not more than [twenty-four] SIXTY  
16    months from such determination for reconsideration, and the procedures  
17    to be followed upon reconsideration shall be the same. If the inmate is  
18    released, he shall be given a copy of the conditions of parole. Such  
19    conditions shall where appropriate, include a requirement that the paro-  
20    lee comply with any restitution order, mandatory surcharge, sex offender

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

LBD00741-01-9

1 registration fee and DNA databank fee previously imposed by a court of  
2 competent jurisdiction that applies to the parolee. The board of parole  
3 shall indicate which restitution collection agency established under  
4 subdivision eight of section 420.10 of the criminal procedure law, shall  
5 be responsible for collection of restitution, mandatory surcharge, sex  
6 offender registration fees and DNA databank fees as provided for in  
7 section 60.35 of the penal law and section eighteen hundred nine of the  
8 vehicle and traffic law.

9 S 2. Paragraph (a) of subdivision 2 of section 259-i of the executive  
10 law, as amended by chapter 396 of the laws of 1987, is amended to read  
11 as follows:

12 (a) At least one month prior to the expiration of the minimum period  
13 or periods of imprisonment fixed by the court or board, a member or  
14 members as determined by the rules of the board shall personally inter-  
15 view an inmate serving an indeterminate sentence and determine whether  
16 he should be paroled at the expiration of the minimum period or periods  
17 in accordance with the guidelines adopted pursuant to subdivision four  
18 of section two hundred fifty-nine-c. If parole is not granted upon such  
19 review, the inmate shall be informed in writing within two weeks of such  
20 appearance of the factors and reasons for such denial of parole. Such  
21 reasons shall be given in detail and not in conclusory terms. The board  
22 shall specify a date not more than [twenty-four] SIXTY months from such  
23 determination for reconsideration, and the procedures to be followed  
24 upon reconsideration shall be the same. If the inmate is released, he  
25 shall be given a copy of the conditions of parole. Such conditions shall  
26 where appropriate, include a requirement that the parolee comply with  
27 any restitution order and mandatory surcharge previously imposed by a  
28 court of competent jurisdiction that applies to the parolee. The board  
29 of parole shall indicate which restitution collection agency established  
30 under subdivision eight of section 420.10 of the criminal procedure law,  
31 shall be responsible for collection of restitution and mandatory  
32 surcharge as provided for in section 60.35 of the penal law and section  
33 eighteen hundred nine of the vehicle and traffic law.

34 S 3. This act shall take effect immediately; provided that the amend-  
35 ments to subparagraph (i) of paragraph (a) of subdivision 2 of section  
36 259-i of the executive law made by section one of this act shall be  
37 subject to the expiration and reversion of such paragraph pursuant to  
38 subdivision d of section 74 of chapter 3 of the laws of 1995, as  
39 amended, when upon such date the provisions of section two of this act  
40 shall take effect.