

3814

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

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

AN ACT to amend the correction law, in relation to certificates of
relief from disabilities issued by the board of parole

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

1 Section 1. The opening paragraph of subdivision 3 and subdivision 5 of
2 section 703 of the correction law, as amended by chapter 342 of the laws
3 of 1972, are amended and a new subdivision 7 is added to read as
4 follows:
5 [The] EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION SEVEN OF THIS
6 SECTION, THE board of parole shall not issue any certificate of relief
7 from disabilities pursuant to [subdivisions] SUBDIVISION one or two OF
8 THIS SECTION, unless the board is satisfied that:
9 5. [In] EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION SEVEN OF THIS
10 SECTION, IN granting or revoking a certificate of relief from disabili-
11 ties the action of the board of parole shall be by unanimous vote of the
12 members authorized to grant or revoke parole. Such action shall be
13 deemed a judicial function and shall not be reviewable if done according
14 to law.
15 7. WHERE A CERTIFICATE OF RELIEF FROM DISABILITIES IS SOUGHT PURSUANT
16 TO PARAGRAPH (B) OF SUBDIVISION ONE OF THIS SECTION ON A JUDGMENT OF
17 CONVICTION RENDERED BY A FEDERAL COURT IN THIS STATE, AND THE BOARD OF
18 PAROLE IS IN RECEIPT OF A WRITTEN RECOMMENDATION IN FAVOR OF THE ISSU-
19 ANCE OF SUCH CERTIFICATE FROM THE CHIEF PROBATION OFFICER OF THE FEDERAL
20 DISTRICT WHERE SUCH CONVICTION WAS OBTAINED, THE BOARD SHALL, PROVIDED
21 SUCH RECOMMENDATION IS BASED UPON A FINDING BY THE FEDERAL PROBATION
22 OFFICE IN SUCH DISTRICT THAT, FOLLOWING ITS INVESTIGATION OF THE APPLI-
23 CANT, THE REQUIREMENTS OF PARAGRAPHS (A), (B) AND (C) OF SUBDIVISION
24 THREE OF THIS SECTION HAVE BEEN SATISFIED, ISSUE THE REQUESTED CERTIF-
25 ICATE.
26 S 2. This act shall take effect immediately.

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

LBD00670-01-9