

4689

2009-2010 Regular Sessions

I N   S E N A T E

April 27, 2009

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Introduced by Sen. HASSELL-THOMPSON -- 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, 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.

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