

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

S. 1861--A

A. 2081--A

2011-2012 Regular Sessions

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

January 13, 2011

IN SENATE -- Introduced by Sens. LAVALLE, LARKIN, NOZZOLIO, RANZENHOFER, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- recommitted to the Committee on Crime Victims, Crime and Correction in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. THIELE, McDONOUGH, LAVINE -- Multi-Sponsored by -- M. of A. LANCMAN, RAIA -- read once and referred to the Committee on Correction -- recommitted to the Committee on Correction in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 amended by section 38-f-1 of
3 subpart A of part C of chapter 62 of the laws of 2011, is amended to
4 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

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

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1 two weeks of such appearance of the factors and reasons for such denial
2 of parole. Such reasons shall be given in detail and not in conclusory
3 terms. The board shall specify a date not more than [twenty-four] SIXTY
4 months from such determination for reconsideration, and the procedures
5 to be followed upon reconsideration shall be the same. If the inmate is
6 released, he shall be given a copy of the conditions of parole. Such
7 conditions shall where appropriate, include a requirement that the paro-
8 lee comply with any restitution order, mandatory surcharge, sex offender
9 registration fee and DNA databank fee previously imposed by a court of
10 competent jurisdiction that applies to the parolee. The conditions shall
11 indicate which restitution collection agency established under subdivi-
12 sion eight of section 420.10 of the criminal procedure law, shall be
13 responsible for collection of restitution, mandatory surcharge, sex
14 offender registration fees and DNA databank fees as provided for in
15 section 60.35 of the penal law and section eighteen hundred nine of the
16 vehicle and traffic law.

17 S 2. Paragraph (a) of subdivision 2 of section 259-i of the executive
18 law, as amended by section 38-f-2 of subpart A of part C of chapter 62
19 of the laws of 2011, is amended to read as follows:

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

42 S 3. This act shall take effect immediately; provided that the amend-
43 ments to subparagraph (i) of paragraph (a) of subdivision 2 of section
44 259-i of the executive law made by section one of this act shall be
45 subject to the expiration and reversion of such paragraph pursuant to
46 subdivision d of section 74 of chapter 3 of the laws of 1995, as
47 amended, when upon such date the provisions of section two of this act
48 shall take effect.