

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

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2011-2012 Regular Sessions

I N S E N A T E

January 14, 2011

Introduced by Sens. GOLDEN, BONACIC, DeFRANCISCO, LAVALLE, LITTLE, MAZIARZ, RANZENHOFER, SALAND -- 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 executive law, in relation to requiring unanimous agreement by the parole board to release an inmate on parole

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 OR SHE should be paroled
10 in accordance with the guidelines adopted pursuant to subdivision four
11 of section two hundred fifty-nine-c of this article. SUCH DETERMINATION
12 TO PAROLE SUCH INMATE SHALL BE BY UNANIMOUS AGREEMENT OF THE BOARD. If
13 parole is not granted upon such review, the inmate shall be informed in
14 writing within two weeks of such appearance of the factors and reasons
15 for such denial of parole. Such reasons shall be given in detail and not
16 in conclusory terms. The board shall specify a date not more than twenty-four months from such determination for reconsideration, and the
17 procedures to be followed upon reconsideration shall be the same. If the
18 inmate is released, he OR SHE shall be given a copy of the conditions of
19 parole. Such conditions shall where appropriate, include a requirement
20 that the parolee comply with any restitution order, mandatory surcharge,
21 sex offender registration fee and DNA databank fee previously imposed by
22 a court of competent jurisdiction that applies to the parolee. The board
23

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

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1 of parole shall indicate which restitution collection agency established
2 under subdivision eight of section 420.10 of the criminal procedure law,
3 shall be responsible for collection of restitution, mandatory surcharge,
4 sex offender registration fees and DNA databank fees as provided for in
5 section 60.35 of the penal law and section eighteen hundred nine of the
6 vehicle and traffic law.

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

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

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