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I N   S E N A T E

March 28, 2012

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Introduced by Sen. NOZZOLIO -- (at request of the Board of Parole) --  
read twice and ordered printed, and when printed to be committed to  
the Committee on Crime Victims, Crime and Correction

AN ACT to amend chapter 688 of the laws of 2003 amending the executive  
law, relating to enacting the interstate compact for adult offender  
supervision, in relation to the state council for adult offender  
supervision; and to amend the correction law, in relation to presump-  
tive release

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

1     Section 1. Section 2 of chapter 688 of the laws of 2003 amending the  
2 executive law, relating to enacting the interstate compact for adult  
3 offender supervision, as amended by chapter 368 of the laws of 2004, is  
4 amended to read as follows:  
5     S 2. Pursuant to article IV of section 259-mm of the executive law,  
6 there is hereby created within the [division of parole] DEPARTMENT OF  
7 CORRECTIONS AND COMMUNITY SUPERVISION a state council for interstate  
8 adult offender supervision which shall consist of a compact administra-  
9 tor, to be appointed by the governor in consultation with the speaker of  
10 the assembly, the temporary president of the senate and the chief judge  
11 of the court of appeals, two legislative representatives to be appointed  
12 by the speaker of the assembly, two legislative representatives to be  
13 appointed by the temporary president of the senate, a judicial represen-  
14 tative to be appointed by the governor upon recommendation of the chief  
15 judge of the court of appeals, THE COMMISSIONER OF THE DEPARTMENT OF  
16 CORRECTIONS AND COMMUNITY SUPERVISION OR HIS OR HER DESIGNEE, the chair-  
17 person of the board of parole or his or her designee, the director of  
18 THE OFFICE OF probation and correctional alternatives or his or her  
19 designee, the [chairperson of the crime victims board] DIRECTOR OF THE  
20 OFFICE OF VICTIM SERVICES or his or her designee, the commissioner of  
21 the division of criminal justice services or his or her designee, and a  
22 victims rights representative to be appointed by the governor. The coun-  
23 cil shall exercise oversight and advocacy concerning its participation  
24 in interstate commission activities and other duties as the council may

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

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1 determine, including but not limited to, the development of policy  
2 concerning the operations and procedures of the compact within the  
3 state. Each appointed member of the council shall serve a term of five  
4 years. Any member chosen to fill a vacancy created other than by expira-  
5 tion of term shall be appointed for the unexpired term of the member  
6 whom he OR SHE is to succeed. Vacancies caused by the expiration of term  
7 shall be filled in the same manner as original appointments and for a  
8 term of five years. The council members shall serve without salary but  
9 shall be entitled to receive reimbursement for travel and other related  
10 expenses associated with participation in the work of the council.

11 S 2. Subdivision 6 of section 806 of the correction law, as amended by  
12 section 40 of subpart B of part C of chapter 62 of the laws of 2011, is  
13 amended to read as follows:

14 6. Any eligible inmate who is not released pursuant to subdivision one  
15 or two of this section shall be considered for discretionary release on  
16 parole pursuant to the provisions of section eight hundred five of this  
17 article or section two hundred [fifty-nine-b] FIFTY-NINE-I of the execu-  
18 tive law, whichever is applicable.

19 S 3. This act shall take effect immediately; provided, however that  
20 the amendments to section 2 of chapter 688 of the laws of 2003 and  
21 subdivision 6 of section 806 of the correction law made by sections one  
22 and two of this act, respectively, shall not affect the repeal of such  
23 sections and shall expire and be deemed repealed therewith.