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

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I N A S S E M B L Y

January 15, 2014

Introduced by M. of A. SEPULVEDA, ROZIC, ROSA, MOSLEY, RIVERA, TITONE, GOTTFRIED, STECK, CRESPO, O'DONNELL, MOYA -- Multi-Sponsored by -- M. of A. ARROYO, BROOK-KRASNY, JACOBS -- read once and referred to the Committee on Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to translation services for inmates appearing before the parole board

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

Section 1. Section 259-e of the executive law, as amended by section 38-c of subpart A of part C of chapter 62 of the laws of 2011, is amended to read as follows:

S 259-e. Institutional parole services. The department shall provide institutional parole services. Such services shall include preparation of reports and other data required by the state board of parole in the exercise of its functions with respect to release on presumptive release, parole, conditional release or post-release supervision of inmates. ADDITIONALLY, THE DEPARTMENT SHALL DETERMINE WHICH INMATES ARE IN NEED OF A DEAF LANGUAGE INTERPRETER OR AN ENGLISH LANGUAGE INTERPRETER, AND SHALL INFORM THE BOARD OF SUCH NEED WITHIN A REASONABLE PERIOD OF TIME PRIOR TO AN INMATE'S SCHEDULED APPEARANCE BEFORE THE BOARD. Employees of the department who collect data, interview inmates and prepare reports for the state board of parole in institutions under the jurisdiction of the department shall work under the direct supervision of the deputy commissioner of the department in charge of program services. Data and reports submitted to the board shall address the statutory factors to be considered by the board pursuant to the relevant provisions of section two hundred fifty-nine-i of this article.

S 2. Section 259-i of the executive law is amended by adding a new subdivision 8 to read as follows:

8. FOREIGN BORN OR NON-ENGLISH SPEAKING PERSON BEFORE THE BOARD. UPON NOTIFICATION FROM THE DEPARTMENT PURSUANT TO SECTION TWO HUNDRED FIFTY-NINE-E OF THIS ARTICLE, OR UPON THE REQUEST OF ANY FOREIGN BORN OR NON-ENGLISH SPEAKING PERSON WHO IS SCHEDULED TO PARTICIPATE IN AN INTERVIEW,

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

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PAROLE RELEASE HEARING, PRELIMINARY HEARING OR REVOCATION HEARING, THERE SHALL BE APPOINTED A QUALIFIED INTERPRETER WHO IS CERTIFIED BY A RECOGNIZED NATIONAL OR NEW YORK STATE CREDENTIALING AUTHORITY TO INTERPRET THE PROCEEDINGS TO AND THE STATEMENTS OR TESTIMONY OF SUCH PERSON. THE BOARD SHALL DETERMINE A REASONABLE FEE FOR ALL SUCH INTERPRETING SERVICES, THE COST OF WHICH SHALL BE A CHARGE UPON THE BOARD OF PAROLE. NO SUCH REQUEST OR APPOINTMENT SHALL CAUSE A DELAY OF RELEASE FROM INCARCERATION OF SUCH PERSON.

S 3. This act shall take effect on the one hundredth day after it shall have become a law.