

S. 2486--A

A. 2774--A

2013-2014 Regular Sessions

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

January 17, 2013

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IN SENATE -- Introduced by Sens. LAVALLE, BALL, DeFRANCISCO, LARKIN, MAZIARZ, O'MARA, SEWARD, 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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. THIELE, LAVINE, McDONOUGH, PALMES-ANO, MAGNARELLI, STIRPE -- Multi-Sponsored by -- M. of A. GIGLIO, RAIA -- read once and referred to the Committee on Social Services -- reference changed 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 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. 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 months  
4 from such determination for reconsideration, and the procedures to be  
5 followed upon reconsideration shall be the same, PROVIDED HOWEVER THAT  
6 IN THE CASE OF AN INMATE SENTENCED FOR A VIOLENT FELONY OFFENSE, THE  
7 BOARD SHALL SPECIFY A DATE NOT MORE THAN SIXTY MONTHS FROM SUCH DETERMI-  
8 NATION FOR RECONSIDERATION, AND THE PROCEDURES TO BE FOLLOWED UPON  
9 RECONSIDERATION SHALL BE THE SAME. FOR THE PURPOSES OF THIS SECTION A  
10 "VIOLENT FELONY OFFENSE" SHALL MEAN A CONVICTION FOR AN OFFENSE AS  
11 DEFINED UNDER SECTION 70.02 OF THE PENAL LAW OR A CLASS A FELONY OFFENSE  
12 DEFINED IN THE PENAL LAW OTHER THAN A CLASS A OFFENSE DEFINED IN ARTICLE  
13 TWO HUNDRED TWENTY OF THE PENAL LAW. If the inmate is released, he OR  
14 SHE shall be given a copy of the conditions of parole. Such conditions  
15 shall where appropriate, include a requirement that the parolee comply  
16 with any restitution order, mandatory surcharge, sex offender registra-  
17 tion fee and DNA databank fee previously imposed by a court of competent  
18 jurisdiction that applies to the parolee. The conditions shall indicate  
19 which restitution collection agency established under subdivision eight  
20 of section 420.10 of the criminal procedure law, shall be responsible  
21 for collection of restitution, mandatory surcharge, sex offender regis-  
22 tration fees and DNA databank fees as provided for in section 60.35 of  
23 the penal law and section eighteen hundred nine of the vehicle and traf-  
24 fic law.

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

28 (a) At least one month prior to the expiration of the minimum period  
29 or periods of imprisonment fixed by the court or board, a member or  
30 members as determined by the rules of the board shall personally inter-  
31 view an inmate serving an indeterminate sentence and determine whether  
32 he OR SHE should be paroled at the expiration of the minimum period or  
33 periods in accordance with the procedures adopted pursuant to subdivi-  
34 sion four of section two hundred fifty-nine-c. If parole is not granted  
35 upon such review, the inmate shall be informed in writing within two  
36 weeks of such appearance of the factors and reasons for such denial of  
37 parole. Such reasons shall be given in detail and not in conclusory  
38 terms. The board shall specify a date not more than twenty-four months  
39 from such determination for reconsideration, and the procedures to be  
40 followed upon reconsideration shall be the same, PROVIDED HOWEVER THAT  
41 IN THE CASE OF AN INMATE SENTENCED FOR A VIOLENT FELONY OFFENSE, THE  
42 BOARD SHALL SPECIFY A DATE NOT MORE THAN SIXTY MONTHS FROM SUCH DETERMI-  
43 NATION FOR RECONSIDERATION, AND THE PROCEDURES TO BE FOLLOWED UPON  
44 RECONSIDERATION SHALL BE THE SAME. FOR THE PURPOSES OF THIS SECTION A  
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46 DEFINED UNDER SECTION 70.02 OF THE PENAL LAW OR A CLASS A FELONY OFFENSE  
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48 TWO HUNDRED TWENTY OF THE PENAL LAW. If the inmate is released, he OR  
49 SHE shall be given a copy of the conditions of parole. Such conditions  
50 shall where appropriate, include a requirement that the parolee comply  
51 with any restitution order and mandatory surcharge previously imposed by  
52 a court of competent jurisdiction that applies to the parolee. The  
53 conditions shall indicate which restitution collection agency estab-  
54 lished under subdivision eight of section 420.10 of the criminal proce-  
55 dure law, shall be responsible for collection of restitution and manda-

1 tory surcharge as provided for in section 60.35 of the penal law and  
2 section eighteen hundred nine of the vehicle and traffic law.  
3 S 3. This act shall take effect immediately; provided that the amend-  
4 ments to subparagraph (i) of paragraph (a) of subdivision 2 of section  
5 259-i of the executive law made by section one of this act shall be  
6 subject to the expiration and reversion of such paragraph pursuant to  
7 subdivision d of section 74 of chapter 3 of the laws of 1995, as  
8 amended, when upon such date the provisions of section two of this act  
9 shall take effect.