

STATE OF NEW YORK

6353

2017-2018 Regular Sessions

IN ASSEMBLY

March 3, 2017

Introduced by M. of A. WEPRIN -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to enrolling inmates into programs; and to amend the executive law, in relation to reconsideration of parole for certain inmates

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 137 of the correction law, as
2 added by chapter 476 of the laws of 1970, is amended to read as follows:

3 1. The commissioner shall establish program and classification proce-
4 dures designed to assure the complete study of the background and condi-
5 tion of each inmate in the care or custody of the department and the
6 assignment of such inmate to a program that is most likely to be useful
7 in assisting him to refrain from future violations of the law. Such
8 procedures shall be incorporated into the rules and regulations of the
9 department and shall require among other things: consideration of the
10 physical, mental and emotional condition of the inmate; consideration of
11 his educational and vocational needs; enrollment of each inmate in
12 assigned programs as soon as practicable; consideration of the danger he
13 presents to the community or to other inmates; the recording of contin-
14 uous case histories including notations as to apparent success or fail-
15 ure of treatment employed; and periodic review of case histories and
16 treatment methods used.

17 § 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 or she should be paroled at the expiration of the minimum period or

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

LBD10378-01-7

1 periods in accordance with the procedures adopted pursuant to subdivi-
2 sion four of section two hundred fifty-nine-c of this article. If parole
3 is not granted upon such review, the inmate shall be informed in writing
4 within two weeks of such appearance of the factors and reasons for such
5 denial of parole. Such reasons shall be given in detail and not in
6 conclusory terms. The board shall specify a date not more than six
7 months from such determination for reconsideration of an inmate for whom
8 release was denied because the inmate had not completed required
9 programming. For all other inmates the board shall specify a date not
10 more than twenty-four months from such determination for reconsider-
11 ation, and the procedures to be followed upon reconsideration shall be
12 the same. If the inmate is released, he or she shall be given a copy of
13 the conditions of parole. Such conditions shall where appropriate,
14 include a requirement that the parolee comply with any restitution order
15 and mandatory surcharge previously imposed by a court of competent
16 jurisdiction that applies to the parolee. The conditions shall indicate
17 which restitution collection agency established under subdivision eight
18 of section 420.10 of the criminal procedure law, shall be responsible
19 for collection of restitution and mandatory surcharge as provided for in
20 section 60.35 of the penal law and section eighteen hundred nine of the
21 vehicle and traffic law.

22 § 3. Subdivision 1 of section 259-1 of the executive law, as amended
23 by section 38-j of subpart A of part C of chapter 62 of the laws of
24 2011, is amended to read as follows:

25 1. It shall be the duty of the commissioner of corrections and commu-
26 nity supervision to [~~insure~~] ensure that all officers and employees of
27 the department shall at all times cooperate with the board of parole and
28 shall furnish to such members of the board and employees of the board
29 such information as may be appropriate to enable them to perform their
30 independent decision making functions. It is also his or her duty to
31 ensure that the functions of the board of parole are not hampered in any
32 way, including but not limited to: a restriction of resources including
33 staff assistance; limited access to vital information; and presentation
34 of inmate information in a manner that may inappropriately influence the
35 board in its decision making. Where an inmate has appeared before the
36 board prior to having completed any program required by the department,
37 and where the board has denied such inmate release but has specified a
38 date not more than six months from such denial for reconsideration
39 pursuant to paragraph (a) of section two hundred fifty-nine-i of this
40 article, the department shall prioritize such inmate's immediate place-
41 ment into the required program.

42 § 4. This act shall take effect immediately; provided, however, that
43 sections two and three of this act shall take effect on the same date as
44 the reversion of paragraph (a) of subdivision 2 of section 259-i of the
45 executive law, as provided in subdivision d of section 74 of chapter 3
46 of the laws of 1995, as amended, takes effect.