STATE OF NEW YORK

4262

2017-2018 Regular Sessions

IN SENATE

February 7, 2017

Introduced by Sens. MONTGOMERY, COMRIE, KRUEGER -- 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 distributing the appointing authority of the state board of parole among the governor, senate and assembly

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

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

1. There shall be in the department a state board of parole [~~which~~] that shall possess the powers and duties hereinafter specified. The board shall function independently of the department regarding all of its decision-making functions, as well as any other powers and duties specified in this article, provided, however, that administrative matters of general applicability within the department shall be applicable to the board. [~~Such~~] On and after January first, two thousand nineteen, such board shall consist of [~~not more than~~] nineteen members [~~appointed by the governor with the advice and consent of the senate~~], nine of whom shall be appointed by the governor, three of whom shall be appointed by the temporary president of the senate, three of whom shall be appointed by the speaker of the assembly, two of whom shall be appointed by the minority leader of the senate, and two of whom shall be appointed by the minority leader of the assembly. The term of office of each member of such board shall be for six years; provided, however, that any member chosen to fill a vacancy occurring otherwise than by expiration of term shall be appointed for the remainder of the unexpired term of the member whom he or she is to succeed. In the event of the inability to act of any member, the governor may appoint some competent

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

LBD06190-02-7

informed person to act in his **or her** stead during the continuance of such disability.

§ 2. The state board of parole as constituted on the effective date of this section is hereby abolished as of January 1, 2019. Members of the state board of parole as constituted pursuant to the provisions of subdivision 1 of section 259-b of the executive law, as amended by section one of this act, shall be appointed by the appropriate state official prior to January 1, 2019, so that such board may be fully operative on and after such date.

§ 3. This act shall take effect immediately.