STATE OF NEW YORK

7568

2017-2018 Regular Sessions

IN ASSEMBLY

May 2, 2017

Introduced by M. of A. WEPRIN -- (at request of the Board of Parole) -- read once and referred to the Committee on Correction

AN ACT to amend the executive law, in relation to updating terminology and correcting citations

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

Section 1. Paragraph (e) of subdivision 2 of section 259-i of the executive law, as added by chapter 55 of the laws of 1992, is amended to read as follows:

(e) Notwithstanding the requirements of paragraph (a) of this subdivision, the determination to parole an inmate who has successfully completed the shock incarceration program pursuant to section [~~two~~] **eight** hundred sixty-seven of the correction law may be made without a personal interview of the inmate and shall be made in accordance with procedures set forth in the rules of the board. If parole is not granted, the time period for reconsideration shall not exceed the court imposed minimum.

§ 2. Subdivision 7 of section 259-i of the executive law, as amended by chapter 703 of the laws of 1991, is amended to read as follows:

7. Deaf person before the board. Whenever any deaf person participates in an interview, 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 deaf person. The [~~board~~] **department** shall determine a reasonable fee for all such interpreting services, the cost of which shall be a charge upon the [~~division of parole~~] **department**.

§ 3. The section heading and subdivision 3 of section 259-q of the executive law, the section heading as added by chapter 904 of the laws of 1977, and subdivision 3 as amended by section 38-k-1 of subpart A of

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

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part C of chapter 62 of the laws of 2011, are amended to read as follows:

Civil actions against [~~division~~] board personnel.

3. The state shall save harmless and indemnify any officer or employee of the board of parole or former division of parole from financial loss resulting from a claim filed in a court of the United States for damages arising out of an act done or the failure to perform any act that was (a) within the scope of the employment and in the discharge of the duties of such officer or employee, and (b) not done or omitted with the intent to violate any rule or regulation of the department, board or former division or of any statute or governing case law of the state or of the United States at the time the damages were sustained; provided that the officer or employee shall comply with the provisions of subdivision four of section seventeen of the public officers law.

§ 4. This act shall take effect immediately.