

STATE OF NEW YORK

9808

IN ASSEMBLY

February 9, 2018

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

AN ACT to amend the executive law, in relation to the establishment of a
parole board nomination commission

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

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

4 1. There shall be in the department a state board of parole which
5 shall possess the powers and duties hereinafter specified. The board
6 shall function independently of the department regarding all of its
7 decision-making functions, as well as any other powers and duties speci-
8 fied in this article, provided, however, that administrative matters of
9 general applicability within the department shall be applicable to the
10 board. Such board shall consist of not more than nineteen members
11 appointed by the governor with the [~~advice and~~] consent of the senate,
12 and after April first, two thousand eighteen, with the advice of the
13 parole board nomination commission established in section two hundred
14 fifty-nine-bb of this article. The term of office of each member of such
15 board shall be for six years; provided, however, that any member chosen
16 to fill a vacancy occurring otherwise than by expiration of term shall
17 be appointed within forty-five days of such vacancy for the remainder of
18 the unexpired term of the member whom he is to succeed. In the event of
19 the inability to act of any member, the governor may appoint some compe-
20 tent informed person to act in his stead during the continuance of such
21 disability.

22 § 2. The executive law is amended by adding a new section 259-bb to
23 read as follows:

24 § 259-bb. Parole board nomination commission. 1. No later than April
25 first, two thousand eighteen, a parole board nomination commission shall
26 be established.

27 2. Such board shall consist of eleven members to be appointed in the
28 following manner:

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

LBD09884-01-7

1 (a) five shall be appointed by the governor, two of which shall be
2 individuals with a career in judicial reform and social justice;

3 (b) two shall be appointed by the speaker of the assembly, one of
4 which shall be an individual with a career in judicial reform and social
5 justice;

6 (c) two shall be appointed by the majority leader of the senate, one
7 of which shall be an individual with a career in judicial reform and
8 social justice;

9 (d) one shall be appointed by the minority leader in the assembly; and

10 (e) one shall be appointed by the minority leader in the senate.

11 3. The board shall conduct searches and screenings for potential
12 candidates to fill open seats on the state board of parole. Such commis-
13 sion shall provide the governor with no less than three and no more than
14 seven candidate recommendations to fill each vacancy on the board.

15 4. If the senate is not in session at the time a board nominee is to
16 be confirmed, the governor is given full authority to name a nominee of
17 the commission as a temporary board member until the senate reconvenes
18 and confirms such acting board member.

19 § 3. This act shall take effect immediately.