STATE OF NEW YORK

8681

IN SENATE

May 10, 2018

Introduced by Sen. SEPULVEDA -- 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 the establishment of a parole board nomination commission

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 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 board shall consist of not more than nineteen members appointed by the governor with the [~~advice and~~] consent of the senate**, and after April first, two thousand nineteen, with the advice of the parole board nomination commission established in section two hundred fifty-nine-bb of this article**. 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 **within forty-five days of such vacancy** for the remainder of the unexpired term of the member whom he is to succeed. In the event of the inability to act of any member, the governor may appoint some competent informed person to act in his stead during the continuance of such disability.

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

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

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

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

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

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

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

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

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

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

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

§ 3. This act shall take effect immediately.