

STATE OF NEW YORK

6663

2019-2020 Regular Sessions

IN ASSEMBLY

March 14, 2019

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

AN ACT to amend the executive law, in relation to enacting "Ramona's Law"

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

1 Section 1. This act shall be known and may be cited as "Ramona's Law."
2 § 2. Subparagraph (i) of paragraph (a) of subdivision 2 of section
3 259-i of the executive law, as amended by section 38-f-1 of subpart A of
4 part C of chapter 62 of the laws of 2011, is amended to read as follows:
5 (i) Except as provided in subparagraph (ii) of this paragraph, at
6 least one month prior to the date on which an inmate may be paroled
7 pursuant to subdivision one of section 70.40 of the penal law, a member
8 or members as determined by the rules of the board shall personally
9 interview such inmate and determine whether he or she should be paroled
10 in accordance with the guidelines adopted pursuant to subdivision four
11 of section two hundred fifty-nine-c of this article. If parole is not
12 granted upon such review, the inmate shall be informed in writing within
13 two weeks of such appearance of the factors and reasons for such denial
14 of parole. Such reasons shall be given in detail and not in conclusory
15 terms. The board shall specify a date not more than twenty-four months
16 from such determination for reconsideration, and the procedures to be
17 followed upon reconsideration shall be the same, provided, however in
18 the case of a defendant sentenced for an eligible violent felony
19 offense, the board shall specify a date not more than sixty months from
20 such determination for reconsideration and the procedures to be followed
21 for reconsideration shall be the same. For the purposes of this section
22 an "eligible violent felony offense" shall mean a conviction for the
23 class A-I felonies of: murder in the first degree as defined in section
24 125.27 of the penal law where a sentence other than death or life impri-
25 sonment without parole is imposed; aggravated murder as defined in

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

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1 section 125.26 of the penal law where a sentence other than death or
2 life imprisonment without parole is imposed; murder in the second
3 degree as defined in section 125.25 of the penal law where a sentence
4 other than life imprisonment without parole is imposed; the class A-II
5 felonies of predatory sexual assault as defined in section 130.95 of the
6 penal law and predatory sexual assault against a child as defined in
7 section 130.96 of the penal law; and a conviction for a class B violent
8 felony offense as defined in section 70.02 of the penal law for those
9 offenders sentenced to an indeterminate sentence. If the inmate is
10 released, he or she shall be given a copy of the conditions of parole.
11 Such conditions shall where appropriate, include a requirement that the
12 parolee comply with any restitution order, mandatory surcharge, sex
13 offender registration fee and DNA databank fee previously imposed by a
14 court of competent jurisdiction that applies to the parolee. The condi-
15 tions shall indicate which restitution collection agency established
16 under subdivision eight of section 420.10 of the criminal procedure law,
17 shall be responsible for collection of restitution, mandatory surcharge,
18 sex offender registration fees and DNA databank fees as provided for in
19 section 60.35 of the penal law and section eighteen hundred nine of the
20 vehicle and traffic law.

21 § 3. Paragraph (a) of subdivision 2 of section 259-i of the executive
22 law, as amended by section 38-f-2 of subpart A of part C of chapter 62
23 of the laws of 2011, is amended to read as follows:

24 (a) At least one month prior to the expiration of the minimum period
25 or periods of imprisonment fixed by the court or board, a member or
26 members as determined by the rules of the board shall personally inter-
27 view an inmate serving an indeterminate sentence and determine whether
28 he or she should be paroled at the expiration of the minimum period or
29 periods in accordance with the procedures adopted pursuant to subdivi-
30 sion four of section two hundred fifty-nine-c. If parole is not granted
31 upon such review, the inmate shall be informed in writing within two
32 weeks of such appearance of the factors and reasons for such denial of
33 parole. Such reasons shall be given in detail and not in conclusory
34 terms. The board shall specify a date not more than twenty-four months
35 from such determination for reconsideration, and the procedures to be
36 followed upon reconsideration shall be the same, provided, however in
37 the case of a defendant sentenced for an eligible violent felony
38 offense, the board shall specify a date not more than sixty months from
39 such determination for reconsideration and the procedures to be followed
40 for reconsideration shall be the same. For the purposes of this section
41 an "eligible violent felony offense" shall mean a conviction for the
42 class A-I felonies of: murder in the first degree as defined in section
43 125.27 of the penal law where a sentence other than death or life impri-
44 sonment without parole is imposed; aggravated murder as defined in
45 section 125.26 of the penal law where a sentence other than death or
46 life imprisonment without parole is imposed; murder in the second degree
47 as defined in section 125.25 of the penal law where a sentence other
48 than life imprisonment without parole is imposed; the class A-II felo-
49 nies of predatory sexual assault as defined in section 130.95 of the
50 penal law and predatory sexual assault against a child as defined in
51 section 130.96 of the penal law; and a conviction for a class B violent
52 felony offense as defined in section 70.02 of the penal law for those
53 offenders sentenced to an indeterminate sentence. If the inmate is
54 released, he or she shall be given a copy of the conditions of parole.
55 Such conditions shall where appropriate, include a requirement that the
56 parolee comply with any restitution order and mandatory surcharge previ-

1 ously imposed by a court of competent jurisdiction that applies to the
2 parolee. The conditions shall indicate which restitution collection
3 agency established under subdivision eight of section 420.10 of the
4 criminal procedure law, shall be responsible for collection of restitu-
5 tion and mandatory surcharge as provided for in section 60.35 of the
6 penal law and section eighteen hundred nine of the vehicle and traffic
7 law.

8 § 4. This act shall take effect immediately and shall apply to all
9 future and currently incarcerated individuals sentenced for an eligible
10 class A felony and to all currently incarcerated individuals sentenced
11 for an eligible class B violent felony offense who are serving indeter-
12 minate sentences; provided that the amendments to paragraph (a) of
13 subdivision two of section 259-i of the executive law made by section
14 two of this act shall be subject to the expiration and reversion of such
15 paragraph pursuant to subdivision d of section 74 of chapter 3 of the
16 laws of 1995, as amended, when upon such date the provisions of section
17 three of this act shall take effect.