

STATE OF NEW YORK

7651

IN SENATE

February 4, 2020

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 inmate interviews by the state board of parole

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

1 Section 1. Subparagraph (i) of paragraph (a) of subdivision 2 of
2 section 259-i of the executive law, as amended by section 38-f-1 of
3 subpart A of part C of chapter 62 of the laws of 2011, is amended to
4 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 conduct an in-person interview of such inmate in the correctional facil-
10 ity where he or she is housed and determine whether he or she should be
11 paroled in accordance with the guidelines adopted pursuant to subdivi-
12 sion four of section two hundred fifty-nine-c of this article. If parole
13 is not granted upon such review, the inmate shall be informed in writing
14 within two weeks of such appearance of the factors and reasons for such
15 denial of parole. Such reasons shall be given in detail and not in
16 conclusory terms. The board shall specify a date not more than twenty-
17 four months from such determination for reconsideration, and the proce-
18 dures to be followed upon reconsideration shall be the same. If the
19 inmate is released, he or she shall be given a copy of the conditions of
20 parole. Such conditions shall where appropriate, include a requirement
21 that the parolee comply with any restitution order, mandatory surcharge,
22 sex offender registration fee and DNA databank fee previously imposed by
23 a court of competent jurisdiction that applies to the parolee. The
24 conditions shall indicate which restitution collection agency estab-
25 lished under subdivision eight of section 420.10 of the criminal proce-
26 dure law, shall be responsible for collection of restitution, mandatory
27 surcharge, sex offender registration fees and DNA databank fees as

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

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1 provided for in section 60.35 of the penal law and section eighteen
2 hundred nine of the vehicle and traffic law.

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

6 (a) At least one month prior to the expiration of the minimum period
7 or periods of imprisonment fixed by the court or board, a member or
8 members as determined by the rules of the board shall [~~personally~~]
9 conduct an in-person interview of an inmate serving an indeterminate
10 sentence in the correctional facility where he or she is housed and
11 determine whether he or she should be paroled at the expiration of the
12 minimum period or periods in accordance with the procedures adopted
13 pursuant to subdivision four of section two hundred fifty-nine-c of this
14 article. If parole is not granted upon such review, the inmate shall be
15 informed in writing within two weeks of such appearance of the factors
16 and reasons for such denial of parole. Such reasons shall be given in
17 detail and not in conclusory terms. The board shall specify a date not
18 more than twenty-four months from such determination for reconsider-
19 ation, and the procedures to be followed upon reconsideration shall be
20 the same. If the inmate is released, he or she shall be given a copy of
21 the conditions of parole. Such conditions shall where appropriate,
22 include a requirement that the parolee comply with any restitution order
23 and mandatory surcharge previously imposed by a court of competent
24 jurisdiction that applies to the parolee. The conditions shall indicate
25 which restitution collection agency established under subdivision eight
26 of section 420.10 of the criminal procedure law, shall be responsible
27 for collection of restitution and mandatory surcharge as provided for in
28 section 60.35 of the penal law and section eighteen hundred nine of the
29 vehicle and traffic law.

30 § 3. This act shall take effect one year after the date on which it
31 shall have become a law; provided, that the amendments to paragraph (a)
32 of subdivision 2 of section 259-i of the executive law made by section
33 one of this act shall be subject to the expiration and reversion of such
34 subdivision pursuant to subdivision d of section 74 of chapter 3 of the
35 laws of 1995, as amended, when upon such date the provisions of section
36 two of this act shall take effect.