

# STATE OF NEW YORK

9017

## IN SENATE

September 30, 2020

Introduced by Sens. ORTT, AKSHAR, GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the executive law, in relation to the state board of parole membership, interviews with inmates, and determination of parole

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

1 Section 1. Subdivision 6 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 6. Any member of the board may be removed by the governor [~~for cause~~  
5 ~~after an opportunity to be heard~~] or by a majority vote in the senate  
6 and the assembly.

7 § 2. Subparagraph (i) of paragraph (a) of subdivision 2 of section  
8 259-i of the executive law, as amended by section 38-f-1 of subpart A of  
9 part C of chapter 62 of the laws of 2011, is amended to read as follows:

10 (i) Except as provided in subparagraph (ii) of this paragraph, at  
11 least one month prior to the date on which an inmate may be paroled  
12 pursuant to subdivision one of section 70.40 of the penal law, a [~~member~~  
13 ~~or~~] minimum of three or more members as determined by the rules of the  
14 board shall personally interview such inmate and determine whether he or  
15 she should be paroled in accordance with the guidelines adopted pursuant  
16 to subdivision four of section two hundred fifty-nine-c of this article.  
17 Such determination to parole such inmate shall be unanimous by agreement  
18 of the board. If parole is not granted upon such review, the inmate  
19 shall be informed in writing within two weeks of such appearance of the  
20 factors and reasons for such denial of parole. Such reasons shall be  
21 given in detail and not in conclusory terms. The board shall specify a  
22 date not more than twenty-four months from such determination for recon-  
23 sideration, and the procedures to be followed upon reconsideration shall  
24 be the same. If the inmate is released, he or she shall be given a copy  
25 of the conditions of parole. Such conditions shall where appropriate,  
26 include a requirement that the parolee comply with any restitution  
27 order, mandatory surcharge, sex offender registration fee and DNA data-

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

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

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

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

35 § 4. This act shall take effect immediately, provided that the amend-  
36 ments to paragraph (a) of subdivision 2 of section 259-i of the execu-  
37 tive law made by section two of this act shall be subject to the expira-  
38 tion and reversion of such paragraph pursuant to subdivision d of  
39 section 74 of chapter 3 of the laws of 1995, as amended, when upon such  
40 date the provisions of section three of this act shall take effect.