

# STATE OF NEW YORK

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1740

2019-2020 Regular Sessions

## IN SENATE

January 16, 2019

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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:

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 twenty, 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:

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

LBD05634-01-9

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

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

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

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

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

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

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

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

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

24    § 3. This act shall take effect immediately.