STATE OF NEW YORK

740

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sens. MONTGOMERY, COMRIE, KRUEGER -- 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 requiring the state board of parole to reflect the composition of the prison population in race, age and geographic area of residence

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~~] **that** 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 **and not less than fifteen members** appointed by the governor with the advice and consent of the senate. **In making appointments to the board, the governor shall ensure that the membership shall adequately reflect the composition of the prison population in race and ethnicity, age, and geographic area of residence. The percentage of each demographic characteristic of the members shall be directly proportionate to that of the prison population.** 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**, in the manner specified above,** for the remainder of the unexpired term of the member whom he **or she** is to succeed. In the event of the inability to act of any member, the governor may appoint some

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

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competent informed person to act in his **or her** stead during the continuance of such disability.

§ 2. The state board of parole as constituted on the effective date of this section is hereby abolished as of January 1, 2020. Members of the state board of parole as constituted pursuant to the provisions of subdivision 1 of section 259-b of the executive law, as amended by section one of this act, shall be appointed by the appropriate state official prior to January 1, 2020, so that such board may be fully operative on and after such date.

§ 3. This act shall take effect immediately.