STATE OF NEW YORK

3475

2021-2022 Regular Sessions

IN ASSEMBLY

January 26, 2021

Introduced by M. of A. DE LA ROSA, CARROLL, AUBRY, CRUZ, LAVINE, PERRY, KIM, GOTTFRIED, O'DONNELL, SIMON, EPSTEIN, BARRON, REYES, RODRIGUEZ, WALKER, D. ROSENTHAL, COOK, ROZIC, PICHARDO, TAYLOR, DICKENS, JOYNER, L. ROSENTHAL, NIOU, FAHY, DARLING, HYNDMAN, VANEL, FERNANDEZ, GLICK -- Multi-Sponsored by -- M. of A. FRONTUS, HEVESI, QUART -- read once and referred to the Committee on Correction

AN ACT to amend the executive law, in relation to parole eligibility for certain inmates aged fifty-five or older

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

Section 1. Section 259-c of the executive law is amended by adding a new subdivision 18 to read as follows:

18. notwithstanding any other section of the law, where a person serving a sentence of incarceration has served at least fifteen years of a determinate or indeterminate sentence and has reached the age of fifty-five or greater, the board shall conduct a hearing pursuant to this section and section two hundred fifty nine-i of this article to determine whether such person should be released to community supervision. If the board determines that there is a reasonable probability that, if such person is released, he or she will live and remain at liberty without violating the law and that his or her release is not incompatible with the welfare of society, then the board shall release the person to community supervision even if the person has not served the minimum sentence imposed by the judge. If release to community supervision is not granted, the inmate shall be informed in writing within two weeks of such appearance of the factors and reasons for the denial of such release and the board shall specify a date not more than twenty-four months from such determination for reconsideration, and the procedures to be followed upon reconsideration shall be the same. If release to community supervision is granted, the board shall set release conditions

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

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and the provisions of this section shall otherwise apply as though the inmate was released after the completion of his or her minimum sentence.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.