

# STATE OF NEW YORK

3475--A

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, MITAYNES, STECK, GONZALEZ-ROJAS, KELLES, BURGOS, GALLAGHER, MAMDANI, ANDERSON, SEPTIMO, FORREST, BURDICK, CLARK, DAVILA, ZINERMAN, RAMOS, HUNTER, MEEKS, JACKSON, SOLAGES, McDONALD, SAYEGH -- Multi-Sponsored by -- M. of A. FRONTUS, HEVESI, QUART -- read once and referred to the Committee on Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

1 Section 1. Section 259-c of the executive law is amended by adding two  
2 new subdivisions 18 and 19 to read as follows:

3 18. notwithstanding any other section of law, where a person serving a  
4 sentence of incarceration has served at least fifteen years of their  
5 sentence or sentences and has reached the age of fifty-five or greater,  
6 conduct an interview within sixty days of the date of the person's  
7 fifty-fifth birthday or the last day of the fifteenth year of their  
8 sentence, whichever is later, pursuant to section two hundred fifty-  
9 nine-i of this article to determine whether such person should be  
10 released to community supervision. If the board determines that release  
11 is appropriate pursuant to the terms of section two hundred  
12 fifty-nine-i of this article, then the board shall release the person to  
13 community supervision. If release to community supervision is not  
14 granted, the person shall be informed in writing within two weeks of  
15 such appearance of the factors and reasons for the denial of such  
16 release and the board shall specify a date not more than twenty-four  
17 months from such determination for reconsideration, and the procedures

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

LBD02819-08-1

1 to be followed upon reconsideration shall be the same. If release to  
2 community supervision is granted, the board shall set release conditions  
3 and the provisions of this section shall otherwise apply as though the  
4 person was released after the completion of his or her minimum sentence.  
5 The release assessment and determination required by this subdivision  
6 shall be in addition to, and may not replace, other release assessments  
7 and determinations required by law.

8 19. submit reports, quarterly, to the governor, the temporary presi-  
9 dent of the senate, the speaker of the assembly, the minority leader of  
10 the senate, the minority leader of the assembly, the chairperson of the  
11 senate committee on crime victims, crime and correction, and the chair-  
12 person of the assembly committee on correction. Such reports shall  
13 include: (i) the number of parole interviews held pursuant to the  
14 requirements of subdivision eighteen of this section; (ii) the outcomes  
15 of parole interviews held pursuant to the requirements of subdivision  
16 eighteen of this section; and (iii) where parole was denied following an  
17 interview held pursuant to the requirements of subdivision eighteen of  
18 this section, the articulated reasons for each denial, the members of  
19 the board assigned in each case and a record of their votes, and the  
20 race, sex, facility, and crime of conviction of each denied applicant.  
21 Such reports shall not include personally identifiable information about  
22 applicants. Reports required by this subdivision shall be published  
23 quarterly on a publicly accessible website maintained by the board.

24 § 2. This act shall take effect immediately; provided that all persons  
25 who meet the eligibility requirements established by section one of this  
26 act upon the effective date of this act shall be interviewed within  
27 sixty days of such date.