STATE OF NEW YORK

8382

2021-2022 Regular Sessions

IN ASSEMBLY

October 20, 2021

Introduced by M. of A. J. M. GIGLIO -- read once and referred to the Committee on Correction

AN ACT to amend the executive law, in relation to enacting "Ramona's Law"

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

Section 1. This act shall be known and may be cited as "Ramona's Law".

§ 2. Subparagraph (i) of paragraph (a) of subdivision 2 of section 259-i of the executive law, as separately amended by chapters 103 and 322 of the laws of 2021, is amended to read as follows:

(i) Except as provided in subparagraph (ii) of this paragraph, at least one month prior to the date on which an incarcerated individual may be paroled pursuant to subdivision one of section 70.40 of the penal law, a member or members as determined by the rules of the board shall personally interview such incarcerated individual and determine whether he or she should be paroled in accordance with the guidelines adopted pursuant to subdivision four of section two hundred fifty-nine-c of this article. If parole is not granted upon such review, the incarcerated individual shall be informed in writing within two weeks of such appearance of the factors and reasons for such denial of parole. Such reasons shall be given in detail and not in conclusory terms. 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**, provided, however in the case of a defendant sentenced for an eligible violent felony offense, the board shall specify a date not more than sixty months from such determination for reconsideration and the procedures to be followed for reconsideration shall be the same. For the purposes of this section an "eligible violent felony offense" shall mean a conviction for the class A-I felonies of: murder in the first degree as defined in section 125.27 of the penal law where a sentence other than death or life imprisonment without parole is**

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

LBD13284-01-1

imposed; aggravated murder as defined in section 125.26 of the penal law where a sentence other than death or life imprisonment without parole is imposed; murder in the second degree as defined in section 125.25 of the penal law where a sentence other than life imprisonment without parole is imposed; the class A-II felonies of predatory sexual assault as defined in section 130.95 of the penal law and predatory sexual assault against a child as defined in section 130.96 of the penal law; and a conviction for a class B violent felony offense as defined in section 70.02 of the penal law for those offenders sentenced to an indeterminate sentence. If the incarcerated individual is released, he or she shall be given a copy of the conditions of parole. Such conditions shall where appropriate, include a requirement that the parolee comply with any restitution order, mandatory surcharge, sex offender registration fee and DNA databank fee previously imposed by a court of competent jurisdiction that applies to the parolee. The conditions shall indicate which restitution collection agency established under subdivision eight of section 420.10 of the criminal procedure law, shall be responsible for collection of restitution, mandatory surcharge, sex offender registration fees and DNA databank fees as provided for in section 60.35 of the penal law and section eighteen hundred nine of the vehicle and traffic law. If the [~~inmate~~] incarcerated individual is released, he or she shall also be notified in writing that his or her voting rights will be restored upon release.

§ 3. Paragraph (a) of subdivision 2 of section 259-i of the executive law, as separately amended by chapters 103 and 322 of the laws of 2021, is amended to read as follows:

(a) At least one month prior to the expiration of the minimum period or periods of imprisonment fixed by the court or board, a member or members as determined by the rules of the board shall personally interview an incarcerated individual serving an indeterminate sentence and determine whether he or she should be paroled at the expiration of the minimum period or periods in accordance with the procedures adopted pursuant to subdivision four of section two hundred fifty-nine-c of this article. If parole is not granted upon such review, the incarcerated individual shall be informed in writing within two weeks of such appearance of the factors and reasons for such denial of parole. Such reasons shall be given in detail and not in conclusory terms. 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, provided, however in the case of a defendant sentenced for an eligible violent felony offense, the board shall specify a date not more than sixty months from such determination for reconsideration and the procedures to be followed for reconsideration shall be the same. For the purposes of this section an "eligible violent felony offense" shall mean a conviction for the class A-I felonies of: murder in the first degree as defined in section 125.27 of the penal law where a sentence other than death or life imprisonment without parole is imposed; aggravated murder as defined in section 125.26 of the penal law where a sentence other than death or life imprisonment without parole is imposed; murder in the second degree as defined in section 125.25 of the penal law where a sentence other than life imprisonment without parole is imposed; the class A-II felonies of predatory sexual assault as defined in section 130.95 of the penal law and predatory sexual assault against a child as defined in section 130.96 of the penal law; and a conviction for a class B violent felony offense as defined in section 70.02 of the penal law for those offenders sentenced to an indeterminate

sentence. If the incarcerated individual is released, he or she shall be given a copy of the conditions of parole. Such conditions shall where appropriate, include a requirement that the parolee comply with any restitution order and mandatory surcharge previously imposed by a court of competent jurisdiction that applies to the parolee. The conditions shall indicate which restitution collection agency established under subdivision eight of section 420.10 of the criminal procedure law, shall be responsible for collection of restitution and mandatory surcharge as provided for in section 60.35 of the penal law and section eighteen hundred nine of the vehicle and traffic law. If the [~~inmate~~] **incarcerated** is released, he or she shall also be notified in writing that his or her voting rights will be restored upon release.

§ 4. This act shall take effect immediately and shall apply to all future and currently incarcerated individuals sentenced for an eligible class A felony and to all currently incarcerated individuals sentenced for an eligible class B violent felony offense who are serving indeterminate sentences; provided that the amendments to paragraph (a) of subdivision two of section 259-i of the executive law made by section two of this act shall be subject to the expiration and reversion of such paragraph pursuant to subdivision d of section 74 of chapter 3 of the laws of 1995, as amended, when upon such date the provisions of section three of this act shall take effect.