

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 Assem-
bly, do enact as follows:

1 Section 1. This act shall be known and may be cited as "Ramona's Law".
2 § 2. Subparagraph (i) of paragraph (a) of subdivision 2 of section
3 259-i of the executive law, as separately amended by chapters 103 and
4 322 of the laws of 2021, is amended to read as follows:
5 (i) Except as provided in subparagraph (ii) of this paragraph, at
6 least one month prior to the date on which an incarcerated individual
7 may be paroled pursuant to subdivision one of section 70.40 of the penal
8 law, a member or members as determined by the rules of the board shall
9 personally interview such incarcerated individual and determine whether
10 he or she should be paroled in accordance with the guidelines adopted
11 pursuant to subdivision four of section two hundred fifty-nine-c of this
12 article. If parole is not granted upon such review, the incarcerated
13 individual shall be informed in writing within two weeks of such appear-
14 ance of the factors and reasons for such denial of parole. Such reasons
15 shall be given in detail and not in conclusory terms. The board shall
16 specify a date not more than twenty-four months from such determination
17 for reconsideration, and the procedures to be followed upon reconsider-
18 ation shall be the same, provided, however in the case of a defendant
19 sentenced for an eligible violent felony offense, the board shall speci-
20 fy a date not more than sixty months from such determination for recon-
21 sideration and the procedures to be followed for reconsideration shall
22 be the same. For the purposes of this section an "eligible violent felo-
23 ny offense" shall mean a conviction for the class A-I felonies of:
24 murder in the first degree as defined in section 125.27 of the penal law
25 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.

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1 imposed; aggravated murder as defined in section 125.26 of the penal law
2 where a sentence other than death or life imprisonment without parole is
3 imposed; murder in the second degree as defined in section 125.25 of the
4 penal law where a sentence other than life imprisonment without parole
5 is imposed; the class A-II felonies of predatory sexual assault as
6 defined in section 130.95 of the penal law and predatory sexual assault
7 against a child as defined in section 130.96 of the penal law; and a
8 conviction for a class B violent felony offense as defined in section
9 70.02 of the penal law for those offenders sentenced to an indeterminate
10 sentence. If the incarcerated individual is released, he or she shall
11 be given a copy of the conditions of parole. Such conditions shall where
12 appropriate, include a requirement that the parolee comply with any
13 restitution order, mandatory surcharge, sex offender registration fee
14 and DNA databank fee previously imposed by a court of competent juris-
15 diction that applies to the parolee. The conditions shall indicate which
16 restitution collection agency established under subdivision eight of
17 section 420.10 of the criminal procedure law, shall be responsible for
18 collection of restitution, mandatory surcharge, sex offender registra-
19 tion fees and DNA databank fees as provided for in section 60.35 of the
20 penal law and section eighteen hundred nine of the vehicle and traffic
21 law. If the [~~inmate~~] incarcerated individual is released, he or she
22 shall also be notified in writing that his or her voting rights will be
23 restored upon release.

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

27 (a) At least one month prior to the expiration of the minimum period
28 or periods of imprisonment fixed by the court or board, a member or
29 members as determined by the rules of the board shall personally inter-
30 view an incarcerated individual serving an indeterminate sentence and
31 determine whether he or she should be paroled at the expiration of the
32 minimum period or periods in accordance with the procedures adopted
33 pursuant to subdivision four of section two hundred fifty-nine-c of this
34 article. If parole is not granted upon such review, the incarcerated
35 individual shall be informed in writing within two weeks of such appear-
36 ance of the factors and reasons for such denial of parole. Such reasons
37 shall be given in detail and not in conclusory terms. The board shall
38 specify a date not more than twenty-four months from such determination
39 for reconsideration, and the procedures to be followed upon reconsider-
40 ation shall be the same, provided, however in the case of a defendant
41 sentenced for an eligible violent felony offense, the board shall speci-
42 fy a date not more than sixty months from such determination for recon-
43 sideration and the procedures to be followed for reconsideration shall
44 be the same. For the purposes of this section an "eligible violent felo-
45 ny offense" shall mean a conviction for the class A-I felonies of:
46 murder in the first degree as defined in section 125.27 of the penal law
47 where a sentence other than death or life imprisonment without parole is
48 imposed; aggravated murder as defined in section 125.26 of the penal law
49 where a sentence other than death or life imprisonment without parole is
50 imposed; murder in the second degree as defined in section 125.25 of the
51 penal law where a sentence other than life imprisonment without parole
52 is imposed; the class A-II felonies of predatory sexual assault as
53 defined in section 130.95 of the penal law and predatory sexual assault
54 against a child as defined in section 130.96 of the penal law; and a
55 conviction for a class B violent felony offense as defined in section
56 70.02 of the penal law for those offenders sentenced to an indeterminate

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

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