STATE OF NEW YORK

10389

IN ASSEMBLY

May 13, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Stern) -- read once and referred to the Committee on Correction

AN ACT to amend the executive law, in relation to extending the time for reconsideration of parole for violent felony offenders

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

Section 1. Subparagraph (i) of paragraph (a) of subdivision 2 of section 259-i of the executive law, as separately amended by section 6 of chapter 103 and section 11 of chapter 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 **for reconsideration which is either twenty-four or forty-eight months from such determination for violent felony offenders, or** not more than twenty-four months from such determination for [~~reconsideration~~] **all other offenders**, and the procedures to be followed upon reconsideration shall be the same. 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,

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

LBD15314-01-2

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.

§ 2. Paragraph (a) of subdivision 2 of section 259-i of the executive law, as separately amended by section 7 of chapter 103 and section 11-a of chapter 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 **for reconsideration which is either twenty-four or forty-eight months from such determination for violent felony offenders, or** not more than twenty-four months from such determination for [~~reconsideration~~] **all other offenders**, and the procedures to be followed upon reconsideration shall be the same. 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 individual** is released, he or she shall also be notified in writing that his or her voting rights will be restored upon release.

§ 3. This act shall take effect on the sixtieth day after it shall have become a law; provided that the amendments to subparagraph (i) of paragraph (a) of subdivision 2 of section 259-i of the executive law made by section one of this act shall be subject to the expiration and reversion of such paragraph when upon such date the provisions of section two of this act shall take effect.