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:

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

18. notwithstanding any other section of law, where a person serving a sentence of incarceration has served at least fifteen years of their sentence or sentences and has reached the age of fifty-five or greater, conduct an interview within sixty days of the date of the person's fifty-fifth birthday or the last day of the fifteenth year of their sentence, whichever is later, pursuant to 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 release is appropriate pursuant to the terms of section two hundred fifty-nine-i of this article, then the board shall release the person to community supervision. If release to community supervision is not granted, the person 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

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

LBD02819-08-1

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

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

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