

STATE OF NEW YORK

5737

2021-2022 Regular Sessions

IN ASSEMBLY

February 24, 2021

Introduced by M. of A. BARCLAY, J. M. GIGLIO, GOODELL, PALMESANO, WALSH, SALKA, M. MILLER, MANKTELOW, REILLY, FRIEND, DiPIETRO, DeSTEFANO, BRABENEC, MORINELLO, NORRIS, RA, TAGUE, HAWLEY, McDONOUGH, BYRNES, MONTESANO, MIKULIN, SCHMITT, BLANKENBUSH, LALOR, GALLAHAN, SIMPSON, LEMONDES, LAWLER, BYRNE, FITZPATRICK, B. MILLER -- Multi-Sponsored by -- M. of A. BROWN -- read once and referred to the Committee on Correction

AN ACT to amend the executive law, in relation to the state board of parole membership, interviews with inmates, and determination of parole

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

Section 1. Subdivision 6 of section 259-b of the executive law, as amended by section 38-a of subpart A of part C of chapter 62 of the laws of 2011, is amended to read as follows:

6. Any member of the board may be removed by the governor [~~for cause after an opportunity to be heard~~] or by a majority vote in the senate and the assembly.

§ 2. Subparagraph (i) of paragraph (a) of subdivision 2 of section 259-i of the executive law, as amended by section 38-f-1 of subpart A of part C of chapter 62 of the laws of 2011, 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 inmate may be paroled pursuant to subdivision one of section 70.40 of the penal law, a [~~member~~ ~~or~~] minimum of three or more members as determined by the rules of the board shall personally interview such inmate 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. Such determination to parole such inmate shall be unanimous by agreement of the board. If parole is not granted upon such review, the inmate shall be informed in writing within two weeks of such appearance of the

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

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1 factors and reasons for such denial of parole. Such reasons shall be
2 given in detail and not in conclusory terms. The board shall specify a
3 date not more than twenty-four months from such determination for recon-
4 sideration, and the procedures to be followed upon reconsideration shall
5 be the same. If the inmate is released, he or she shall be given a copy
6 of the conditions of parole. Such conditions shall where appropriate,
7 include a requirement that the parolee comply with any restitution
8 order, mandatory surcharge, sex offender registration fee and DNA data-
9 bank fee previously imposed by a court of competent jurisdiction that
10 applies to the parolee. The conditions shall indicate which restitution
11 collection agency established under subdivision eight of section 420.10
12 of the criminal procedure law, shall be responsible for collection of
13 restitution, mandatory surcharge, sex offender registration fees and DNA
14 databank fees as provided for in section 60.35 of the penal law and
15 section eighteen hundred nine of the vehicle and traffic law.

16 § 3. Paragraph (a) of subdivision 2 of section 259-i of the executive
17 law, as amended by section 38-f-2 of subpart A of part C of chapter 62
18 of the laws of 2011, is amended to read as follows:

19 (a) At least one month prior to the expiration of the minimum period
20 or periods of imprisonment fixed by the court or board, a [~~member or~~]
21 minimum of three or more members as determined by the rules of the board
22 shall personally interview an inmate serving an indeterminate sentence
23 and determine whether he or she should be paroled at the expiration of
24 the minimum period or periods in accordance with the procedures adopted
25 pursuant to subdivision four of section two hundred fifty-nine-c of this
26 article. Such determination to parole such inmate shall be unanimous by
27 agreement of the board. If parole is not granted upon such review, the
28 inmate shall be informed in writing within two weeks of such appearance
29 of the factors and reasons for such denial of parole. Such reasons shall
30 be given in detail and not in conclusory terms. The board shall specify
31 a date not more than twenty-four months from such determination for
32 reconsideration, and the procedures to be followed upon reconsideration
33 shall be the same. If the inmate is released, he or she shall be given a
34 copy of the conditions of parole. Such conditions shall where appropri-
35 ate, include a requirement that the parolee comply with any restitution
36 order and mandatory surcharge previously imposed by a court of competent
37 jurisdiction that applies to the parolee. The conditions shall indicate
38 which restitution collection agency established under subdivision eight
39 of section 420.10 of the criminal procedure law, shall be responsible
40 for collection of restitution and mandatory surcharge as provided for in
41 section 60.35 of the penal law and section eighteen hundred nine of the
42 vehicle and traffic law.

43 § 4. This act shall take effect immediately, provided that the amend-
44 ments to paragraph (a) of subdivision 2 of section 259-i of the execu-
45 tive law made by section two of this act shall be subject to the expira-
46 tion and reversion of such paragraph pursuant to subdivision d of
47 section 74 of chapter 3 of the laws of 1995, as amended, when upon such
48 date the provisions of section three of this act shall take effect.