STATE OF NEW YORK

8815

IN ASSEMBLY

January 12, 2022

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

AN ACT to amend the executive law, in relation to granting the governor the authority to override a parole board's decision to grant parole

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

Section 1. Subdivision 5 of section 259-i of the executive law, as amended by chapter 166 of the laws of 1991, is amended and a new subdivision 5-a is added to read as follows:

5. Actions of the board. Any action by the board or by a hearing officer pursuant to this article shall be deemed a judicial function and shall not be reviewable if done in accordance with law**, except as provided in subdivision five-a of this section.**

5-a. No decision of the board with respect to the granting of parole to a person sentenced to an indeterminate term upon conviction of a class A felony shall become effective for a period of thirty days, during which the governor may review the decision. The governor may only affirm, modify, or reverse the decision of the parole board on the basis of the same factors which the board is required to consider. The governor shall report to the legislature each parole decision affirmed, modified, or reversed, stating the pertinent facts and reasons for the action.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.

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

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