

STATE OF NEW YORK

4203

2023-2024 Regular Sessions

IN ASSEMBLY

February 13, 2023

Introduced by 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:

1 Section 1. Subparagraph (i) of paragraph (a) of subdivision 2 of
2 section 259-i of the executive law, as amended by section 14 of chapter
3 486 of the laws of 2022, is amended to read as follows:

4 (i) Except as provided in subparagraph (ii) of this paragraph, at
5 least one month prior to the date on which an incarcerated individual
6 may be paroled pursuant to subdivision one of section 70.40 of the penal
7 law, a member or members as determined by the rules of the board shall
8 personally interview such incarcerated individual and determine whether
9 he or she should be paroled in accordance with the guidelines adopted
10 pursuant to subdivision four of section two hundred fifty-nine-c of this
11 article. If parole is not granted upon such review, the incarcerated
12 individual shall be informed in writing within two weeks of such appear-
13 ance of the factors and reasons for such denial of parole. Such reasons
14 shall be given in detail and not in conclusory terms. The board shall
15 specify a date for reconsideration which is either twenty-four or
16 forty-eight months from such determination for violent felony offenders,
17 or not more than twenty-four months from such determination for [~~recon-~~
18 ~~sideration~~] all other offenders, and the procedures to be followed upon
19 reconsideration shall be the same. If the incarcerated individual is
20 released, he or she shall be given a copy of the conditions of parole.
21 Such conditions shall where appropriate, include a requirement that the
22 parolee comply with any restitution order, mandatory surcharge, sex
23 offender registration fee and DNA databank fee previously imposed by a
24 court of competent jurisdiction that applies to the parolee. The condi-
25 tions shall indicate which restitution collection agency established

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

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1 under subdivision eight of section 420.10 of the criminal procedure law,
2 shall be responsible for collection of restitution, mandatory surcharge,
3 sex offender registration fees and DNA databank fees as provided for in
4 section 60.35 of the penal law and section eighteen hundred nine of the
5 vehicle and traffic law. If the incarcerated individual is released, he
6 or she shall also be notified in writing that his or her voting rights
7 will be restored upon release.

8 § 2. Paragraph (a) of subdivision 2 of section 259-i of the executive
9 law, as amended by section 15 of chapter 486 of the laws of 2022, is
10 amended to read as follows:

11 (a) At least one month prior to the expiration of the minimum period
12 or periods of imprisonment fixed by the court or board, a member or
13 members as determined by the rules of the board shall personally inter-
14 view an incarcerated individual serving an indeterminate sentence and
15 determine whether he or she should be paroled at the expiration of the
16 minimum period or periods in accordance with the procedures adopted
17 pursuant to subdivision four of section two hundred fifty-nine-c of this
18 article. If parole is not granted upon such review, the incarcerated
19 individual shall be informed in writing within two weeks of such appear-
20 ance of the factors and reasons for such denial of parole. Such reasons
21 shall be given in detail and not in conclusory terms. The board shall
22 specify a date for reconsideration which is either twenty-four or
23 forty-eight months from such determination for violent felony offenders,
24 or not more than twenty-four months from such determination for [~~recon-~~
25 ~~sideration~~] all other offenders, and the procedures to be followed upon
26 reconsideration shall be the same. If the incarcerated individual is
27 released, he or she shall be given a copy of the conditions of parole.
28 Such conditions shall where appropriate, include a requirement that the
29 parolee comply with any restitution order and mandatory surcharge previ-
30 ously imposed by a court of competent jurisdiction that applies to the
31 parolee. The conditions shall indicate which restitution collection
32 agency established under subdivision eight of section 420.10 of the
33 criminal procedure law, shall be responsible for collection of restitu-
34 tion and mandatory surcharge as provided for in section 60.35 of the
35 penal law and section eighteen hundred nine of the vehicle and traffic
36 law. If the incarcerated individual is released, he or she shall also be
37 notified in writing that his or her voting rights will be restored upon
38 release.

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