

# STATE OF NEW YORK

2093

2023-2024 Regular Sessions

## IN SENATE

January 18, 2023

Introduced by Sens. PALUMBO, HELMING, MATTERA, OBERACKER, TEDISCO, WEIK  
-- read twice and ordered printed, and when printed to be committed to  
the Committee on Crime Victims, Crime and Correction

AN ACT to amend the executive law, in relation to the time in which  
reconsideration for parole shall be determined in the case of  
convictions for murder in the first degree, aggravated murder, and  
murder in the second degree, where a sentence other than death or life  
imprisonment without parole is imposed

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

1 Section 1. This act shall be known and may be cited as "Lorraine's  
2 Law".  
3 § 2. Legislative findings and intent. This legislation is named in the  
4 memory of Lorraine Miranda who was a native of Shirley, Long Island.  
5 Despite being afflicted with Cerebral Palsy, she graduated from high  
6 school, moved to Staten Island, New York and worked tirelessly to help  
7 disabled children at the Port Richmond branch of United Cerebral Palsy  
8 of New York while attending college at night. She was engaged and was  
9 planning her wedding. In a tragic turn, Lorraine Miranda was brutally  
10 murdered by her fiancée on December 5, 1988. She was only 24 years old.  
11 Her killer was sentenced to 15 years to life in prison. He became eligi-  
12 ble for parole in 2003 and has since been denied seven times.  
13 Currently when parole is denied, the Parole Board has the discretion  
14 to set the date for reconsideration for parole for any date within two  
15 years of the denial of parole. In many cases, especially those involving  
16 heinous acts of murder in the first degree, aggravated murder, and  
17 murder in the second degree, parole will be denied numerous times.  
18 However, each time an inmate is considered for parole, the victim's  
19 family must relive the horror of the crime for the sake of impressing  
20 upon the Parole Board the inappropriateness of early release. Lorraine  
21 Miranda's mother, who has been diagnosed with post-traumatic stress

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

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1 syndrome, has stated that the agony of reliving her daughter's death  
2 every 24 months is unbearable and is a major trigger of panic symptoms  
3 which interfere with her quality of life.

4 It is not the intent of "Lorraine's Law" to in any way infringe upon  
5 the Parole Board's ability to allow for the current 24-month reconsider-  
6 ation period. It merely provides another option for the board to consid-  
7 er if it is apparent that nothing could transpire in the next five years  
8 that would cause them to render a different opinion regarding parole  
9 release. Only in these cases would the board have the ability to set the  
10 date for reconsideration anywhere between 24-months and 60-months which  
11 would afford grieving families a greater period of peace before having  
12 to testify at the next parole hearing.

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

16 (i) Except as provided in subparagraph (ii) of this paragraph, at  
17 least one month prior to the date on which an incarcerated individual  
18 may be paroled pursuant to subdivision one of section 70.40 of the penal  
19 law, a member or members as determined by the rules of the board shall  
20 personally interview such incarcerated individual and determine whether  
21 he or she should be paroled in accordance with the guidelines adopted  
22 pursuant to subdivision four of section two hundred fifty-nine-c of this  
23 article. If parole is not granted upon such review, the incarcerated  
24 individual shall be informed in writing within two weeks of such appear-  
25 ance of the factors and reasons for such denial of parole. Such reasons  
26 shall be given in detail and not in conclusory terms. The board shall  
27 specify a date not more than twenty-four months from such determination  
28 for reconsideration, and the procedures to be followed upon reconsider-  
29 ation shall be the same, however in the case of a defendant sentenced  
30 for an eligible class A felony, the board shall specify a date not more  
31 than sixty months from such determination for reconsideration and the  
32 procedures to be followed for reconsideration shall be the same. For the  
33 purposes of this section an "eligible class A felony" shall mean a  
34 conviction for the class A-I felonies of: murder in the first degree as  
35 defined in section 125.27 of the penal law where a sentence other than  
36 death or life imprisonment without parole is imposed; aggravated murder  
37 as defined in section 125.26 of the penal law where a sentence other  
38 than death or life imprisonment without parole is imposed; and murder in  
39 the second degree as defined in section 125.25 of the penal law where a  
40 sentence other than life imprisonment without parole is imposed. If the  
41 incarcerated individual is released, he or she shall be given a copy of  
42 the conditions of parole. Such conditions shall where appropriate,  
43 include a requirement that the parolee comply with any restitution  
44 order, mandatory surcharge, sex offender registration fee and DNA data-  
45 bank fee previously imposed by a court of competent jurisdiction that  
46 applies to the parolee. The conditions shall indicate which restitution  
47 collection agency established under subdivision eight of section 420.10  
48 of the criminal procedure law, shall be responsible for collection of  
49 restitution, mandatory surcharge, sex offender registration fees and DNA  
50 databank fees as provided for in section 60.35 of the penal law and  
51 section eighteen hundred nine of the vehicle and traffic law. If the  
52 incarcerated individual is released, he or she shall also be notified in  
53 writing that his or her voting rights will be restored upon release.

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

1 (a) At least one month prior to the expiration of the minimum period  
2 or periods of imprisonment fixed by the court or board, a member or  
3 members as determined by the rules of the board shall personally inter-  
4 view an incarcerated individual serving an indeterminate sentence and  
5 determine whether he or she should be paroled at the expiration of the  
6 minimum period or periods in accordance with the procedures adopted  
7 pursuant to subdivision four of section two hundred fifty-nine-c of this  
8 article. If parole is not granted upon such review, the incarcerated  
9 individual shall be informed in writing within two weeks of such appear-  
10 ance of the factors and reasons for such denial of parole. Such reasons  
11 shall be given in detail and not in conclusory terms. The board shall  
12 specify a date not more than twenty-four months from such determination  
13 for reconsideration, and the procedures to be followed upon reconsider-  
14 ation shall be the same, however in the case of a defendant sentenced  
15 for an eligible class A felony, the board shall specify a date not more  
16 than sixty months from such determination for reconsideration, and the  
17 procedures to be followed for reconsideration shall be the same. For the  
18 purposes of this section an "eligible class A felony" shall mean a  
19 conviction for the class A-I felonies of: murder in the first degree as  
20 defined in section 125.27 of the penal law where a sentence other than  
21 death or life imprisonment without parole is imposed; aggravated murder  
22 as defined in section 125.26 of the penal law where a sentence other  
23 than death or life imprisonment without parole is imposed; and murder in  
24 the second degree as defined in section 125.25 of the penal law where a  
25 sentence other than life imprisonment without parole is imposed. If the  
26 incarcerated individual is released, he or she shall be given a copy of  
27 the conditions of parole. Such conditions shall where appropriate,  
28 include a requirement that the parolee comply with any restitution order  
29 and mandatory surcharge previously imposed by a court of competent  
30 jurisdiction that applies to the parolee. The conditions shall indicate  
31 which restitution collection agency established under subdivision eight  
32 of section 420.10 of the criminal procedure law, shall be responsible  
33 for collection of restitution and mandatory surcharge as provided for in  
34 section 60.35 of the penal law and section eighteen hundred nine of the  
35 vehicle and traffic law. If the incarcerated individual is released, he  
36 or she shall also be notified in writing that his or her voting rights  
37 will be restored upon release.

38 § 5. This act shall take effect immediately and shall apply to all  
39 future and currently incarcerated individuals sentenced for an eligible  
40 class A felony; 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 three of this act shall be subject to the expiration and  
43 reversion of such paragraph pursuant to subdivision d of section 74 of  
44 chapter 3 of the laws of 1995, as amended, when upon such date the  
45 provisions of section four of this act shall take effect.