

# STATE OF NEW YORK

5225

2023-2024 Regular Sessions

## IN ASSEMBLY

March 7, 2023

Introduced by M. of A. BARCLAY, J. M. GIGLIO, GOODELL, PALMESANO, WALSH, MANKTELOW, REILLY, FRIEND, DiPIETRO, DeSTEFANO, BRABENEC, MORINELLO, NORRIS, RA, TAGUE, HAWLEY, McDONOUGH, BYRNES, MIKULIN, BLANKENBUSH, GALLAHAN, SIMPSON, LEMONDES, FITZPATRICK, MILLER, TANNOUSIS -- Multi-Sponsored by -- M. of A. K. 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 incarcerated individuals, 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 chapter 486 of the laws of 2022, 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 incarcerated individual 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 incarcerated individual 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 incarcerated individual shall be unanimous by agreement of the board. If parole is not granted upon such review, the incarcerated individual 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 incarcerated individual is released, he or she shall  
6 be given a copy of the conditions of parole. Such conditions shall where  
7 appropriate, include a requirement that the parolee comply with any  
8 restitution order, mandatory surcharge, sex offender registration fee  
9 and DNA databank fee previously imposed by a court of competent juris-  
10 diction that applies to the parolee. The conditions shall indicate which  
11 restitution collection agency established under subdivision eight of  
12 section 420.10 of the criminal procedure law, shall be responsible for  
13 collection of restitution, mandatory surcharge, sex offender registra-  
14 tion fees and DNA databank fees as provided for in section 60.35 of the  
15 penal law and section eighteen hundred nine of the vehicle and traffic  
16 law. If the incarcerated individual is released, he or she shall also be  
17 notified in writing that his or her voting rights will be restored upon  
18 release.

19 § 3. Paragraph (a) of subdivision 2 of section 259-i of the executive  
20 law, as amended by chapter 486 of the laws of 2022, is amended to read  
21 as follows:

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

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