

STATE OF NEW YORK

4918

2023-2024 Regular Sessions

IN SENATE

February 17, 2023

Introduced by Sen. SEPULVEDA -- 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 incarcerated individual interviews by the state board of parole

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]~~ conduct an in-person interview of such incarcerated indi-
9 vidual in the correctional facility where he or she is housed and deter-
10 mine whether he or she should be paroled in accordance with the guide-
11 lines adopted pursuant to subdivision four of section two hundred
12 fifty-nine-c of this article. If parole is not granted upon such review,
13 the incarcerated individual shall be informed in writing within two
14 weeks of such appearance of the factors and reasons for such denial of
15 parole. Such reasons shall be given in detail and not in conclusory
16 terms. The board shall specify a date not more than twenty-four months
17 from such determination for reconsideration, and the procedures to be
18 followed upon reconsideration shall be the same. If the incarcerated
19 individual is released, he or she shall be given a copy of the condi-
20 tions of parole. Such conditions shall where appropriate, include a
21 requirement that the parolee comply with any restitution order, mandato-
22 ry surcharge, sex offender registration fee and DNA databank fee previ-
23 ously imposed by a court of competent jurisdiction that applies to the
24 parolee. The conditions shall indicate which restitution collection

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

LBD09369-01-3

1 agency established under subdivision eight of section 420.10 of the
2 criminal procedure law, shall be responsible for collection of restitu-
3 tion, mandatory surcharge, sex offender registration fees and DNA data-
4 bank fees as provided for in section 60.35 of the penal law and section
5 eighteen hundred nine of the vehicle and traffic law. If the incarcerat-
6 ed individual is released, he or she shall also be notified in writing
7 that his or her voting rights 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~~]
14 conduct an in-person interview of an incarcerated individual serving an
15 indeterminate sentence in the correctional facility where he or she is
16 housed and determine whether he or she should be paroled at the expira-
17 tion of the minimum period or periods in accordance with the procedures
18 adopted pursuant to subdivision four of section two hundred fifty-nine-c
19 of this article. If parole is not granted upon such review, the incar-
20 cerated individual shall be informed in writing within two weeks of such
21 appearance of the factors and reasons for such denial of parole. Such
22 reasons shall be given in detail and not in conclusory terms. The board
23 shall specify a date not more than twenty-four months from such determi-
24 nation for reconsideration, and the procedures to be followed upon
25 reconsideration shall be the same. If the incarcerated individual is
26 released, he or she shall be given a copy of the conditions of parole.
27 Such conditions shall where appropriate, include a requirement that the
28 parolee comply with any restitution order and mandatory surcharge previ-
29 ously imposed by a court of competent jurisdiction that applies to the
30 parolee. The conditions shall indicate which restitution collection
31 agency established under subdivision eight of section 420.10 of the
32 criminal procedure law, shall be responsible for collection of restitu-
33 tion and mandatory surcharge as provided for in section 60.35 of the
34 penal law and section eighteen hundred nine of the vehicle and traffic
35 law. If the incarcerated individual is released, he or she shall also be
36 notified in writing that his or her voting rights will be restored upon
37 release.

38 § 3. This act shall take effect one year after the date on which it
39 shall have become a law; provided, that the amendments to paragraph (a)
40 of subdivision 2 of section 259-i of the executive law made by section
41 one of this act shall be subject to the expiration and reversion of such
42 subdivision pursuant to subdivision d of section 74 of chapter 3 of the
43 laws of 1995, as amended, when upon such date the provisions of section
44 two of this act shall take effect.