

STATE OF NEW YORK

5315

2023-2024 Regular Sessions

IN SENATE

March 1, 2023

Introduced by Sen. 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 requiring unanimous agreement by the parole board to release an incarcerated individuals on 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 chapter 486 of the
3 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. Such determination to parole such incarcerated individual shall
12 be unanimous by agreement of the board. If parole is not granted upon
13 such review, the incarcerated individual shall be informed in writing
14 within two weeks of such appearance of the factors and reasons for such
15 denial of parole. Such reasons shall be given in detail and not in
16 conclusory terms. The board shall specify a date not more than twenty-
17 four months from such determination for reconsideration, and the proce-
18 dures to be followed upon reconsideration shall be the same. If the
19 incarcerated individual is released, he or she shall be given a copy of
20 the conditions of parole. Such conditions shall where appropriate,
21 include a requirement that the parolee comply with any restitution
22 order, mandatory surcharge, sex offender registration fee and DNA data-
23 bank fee previously imposed by a court of competent jurisdiction that

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

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

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

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

39 § 3. This act shall take effect immediately, provided that the amend-
40 ments to paragraph (a) of subdivision 2 of section 259-i of the execu-
41 tive law made by section one of this act shall be subject to the expira-
42 tion and reversion of such paragraph pursuant to subdivision d of
43 section 74 of chapter 3 of the laws of 1995, as amended, when upon such
44 date the provisions of section two of this act shall take effect.