

STATE OF NEW YORK

5316

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 appeals to 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. Subdivision 4 of section 259-I of the executive law, as
2 added by chapter 904 of the laws of 1977, paragraph (a) as amended by
3 section 11 of part E of chapter 62 of the laws of 2003, paragraph (b) as
4 amended by chapter 322 of the laws of 2021, and paragraph (c) as amended
5 by chapter 44 of the laws of 2018, is amended to read as follows:

6 4. Appeals. (a) Except for determinations made upon preliminary hear-
7 ings upon allegations of violation of presumptive release, parole,
8 conditional release or post-release supervision, all determinations made
9 pursuant to this section may be appealed in accordance with rules
10 promulgated by the board. Any board member who participated in the deci-
11 sion from which the appeal is taken may not participate in the resol-
12 ution of that appeal. The rules of the board may specify a time within
13 which any appeal shall be taken and resolved.

14 (b) Upon an appeal to the board, the incarcerated individual may be
15 represented by an attorney. Where the incarcerated individual is finan-
16 cially unable to provide for his or her own attorney, upon request an
17 attorney shall be assigned pursuant to the provisions of subparagraph
18 (v) of paragraph (f) of subdivision three of this section.

19 (c) Where the board has made a determination granting discretionary
20 release to an incarcerated individual pursuant to this section, the
21 crime victim or the victim's representative, where the crime victim is
22 deceased or is mentally or physically incapacitated, has the right to
23 file an appeal of such determination in accordance with rules promulgat-
24 ed by the board.

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

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1 (d) All board of parole administrative appeal findings and recommenda-
2 tions shall be published within one hundred twenty days of the determi-
3 nation on a publicly accessible website that includes a word-searchable
4 database. The department of corrections and community supervision shall
5 provide electronic or print copies of such findings and recommendations
6 to all correctional facility law libraries on a quarterly basis. Copies
7 of such individual findings and recommendations shall also be made
8 available upon written request to the department of corrections and
9 community supervision. Information which would reveal confidential mate-
10 rial that may not be released pursuant to federal or state law shall be
11 redacted from any such website or findings and recommendations.
12 § 2. This act shall take effect immediately.