

STATE OF NEW YORK

142

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

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

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

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1 Miranda's mother, who has been diagnosed with post-traumatic stress
2 syndrome, has stated that the agony of reliving her daughter's death
3 every 24 months is unbearable and is a major trigger of panic symptoms
4 which interfere with her quality of life.

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

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

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

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

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

42 § 5. This act shall take effect immediately and shall apply to all
43 future and currently incarcerated individuals sentenced for an eligible
44 class A felony; provided that the amendments to subparagraph (i) of
45 paragraph (a) of subdivision 2 of section 259-i of the executive law
46 made by section three of this act shall be subject to the expiration and
47 reversion of such paragraph pursuant to subdivision d of section 74 of
48 chapter 3 of the laws of 1995, as amended, when upon such date the
49 provisions of section four of this act shall take effect.