

STATE OF NEW YORK

3024

2025-2026 Regular Sessions

IN SENATE

January 23, 2025

Introduced by Sen. ORTT -- 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 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:

1 Section 1. Subdivision 6 of section 259-b of the executive law, as
2 amended by section 38-a of subpart A of part C of chapter 62 of the laws
3 of 2011, is amended to read as follows:

4 6. Any member of the board may be removed by the governor [~~for cause~~
5 ~~after an opportunity to be heard~~] or by a majority vote in the senate
6 and the assembly.

7 § 2. Subparagraph (i) of paragraph (a) of subdivision 2 of section
8 259-i of the executive law, as amended by chapter 486 of the laws of
9 2022, is amended to read as follows:

10 (i) Except as provided in subparagraph (ii) of this paragraph, at
11 least one month prior to the date on which an incarcerated individual
12 may be paroled pursuant to subdivision one of section 70.40 of the penal
13 law, a [~~member or~~] minimum of three or more members as determined by the
14 rules of the board shall personally interview such incarcerated individ-
15 ual and determine whether [~~he or she~~] they should be paroled in accord-
16 ance with the guidelines adopted pursuant to subdivision four of section
17 two hundred fifty-nine-c of this article. Such determination to parole
18 such incarcerated individual shall be unanimous by agreement of the
19 board. If parole is not granted upon such review, the incarcerated indi-
20 vidual shall be informed in writing within two weeks of such appearance
21 of the factors and reasons for such denial of parole. Such reasons shall
22 be given in detail and not in conclusory terms. The board shall specify
23 a date not more than twenty-four months from such determination for

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

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1 reconsideration, and the procedures to be followed upon reconsideration
2 shall be the same. If the incarcerated individual is released, [~~he or~~
3 ~~she~~] they shall be given a copy of the conditions of parole. Such condi-
4 tions shall where appropriate, include a requirement that the parolee
5 comply with any restitution order, mandatory surcharge, sex offender
6 registration fee and DNA databank fee previously imposed by a court of
7 competent jurisdiction that applies to the parolee. The conditions shall
8 indicate which restitution collection agency established under subdivi-
9 sion eight of section 420.10 of the criminal procedure law, shall be
10 responsible for collection of restitution, mandatory surcharge, sex
11 offender registration fees and DNA databank fees as provided for in
12 section 60.35 of the penal law and section eighteen hundred nine of the
13 vehicle and traffic law. If the incarcerated individual is released, [~~he~~
14 ~~or she~~] they shall also be notified in writing that [~~his or her~~] their
15 voting rights will be restored upon release.

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

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

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