

STATE OF NEW YORK

321

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. GALLIVAN, BORRELLO, MATTERA, OBERACKER, PALUMBO, RHOADS, STEC, 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 third party statements to the parole board

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subparagraph (A) of paragraph (c) of subdivision 2 of
2 section 259-i of the executive law, as amended by chapter 322 of the
3 laws of 2021, is amended to read as follows:
4 (A) Discretionary release on parole shall not be granted merely as a
5 reward for good conduct or efficient performance of duties while
6 confined but after considering if there is a reasonable probability
7 that, if such incarcerated individual is released, [~~he or she~~] they will
8 live and remain at liberty without violating the law, and that [~~his or~~
9 ~~her~~] their release is not incompatible with the welfare of society and
10 will not so deprecate the seriousness of [~~his or her~~] their crime as to
11 undermine respect for law. In making the parole release decision, the
12 procedures adopted pursuant to subdivision four of section two hundred
13 fifty-nine-c of this article shall require that the following be consid-
14 ered: (i) the institutional record including program goals and accom-
15 plishments, academic achievements, vocational education, training or
16 work assignments, therapy and interactions with staff and incarcerated
17 individuals; (ii) performance, if any, as a participant in a temporary
18 release program; (iii) release plans including community resources,
19 employment, education and training and support services available to the
20 incarcerated individual; (iv) any deportation order issued by the feder-
21 al government against the incarcerated individual while in the custody
22 of the department and any recommendation regarding deportation made by

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

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1 the commissioner of the department pursuant to section one hundred
2 forty-seven of the correction law; (v) any current or prior statement
3 made to the board by the crime victim or the victim's representative,
4 where the crime victim is deceased or is mentally or physically incapac-
5 itated; (vi) the length of the determinate sentence to which the incar-
6 cerated individual would be subject had [~~he or she~~] they received a
7 sentence pursuant to section 70.70 or section 70.71 of the penal law for
8 a felony defined in article two hundred twenty or article two hundred
9 twenty-one of the penal law; (vii) the seriousness of the offense with
10 due consideration to the type of sentence, length of sentence and recom-
11 mendations of the sentencing court, the district attorney, the attorney
12 for the incarcerated individual, the pre-sentence probation report as
13 well as consideration of any mitigating and aggravating factors, and
14 activities following arrest prior to confinement; and (viii) prior crim-
15 inal record, including the nature and pattern of offenses, adjustment to
16 any previous probation or parole supervision and institutional confine-
17 ment. The board shall provide toll free telephone access for crime
18 victims. In the case of an oral statement made in accordance with subdi-
19 vision one of section 440.50 of the criminal procedure law, the parole
20 board member shall present a written report of the statement to the
21 parole board. A crime victim's representative shall mean the crime
22 victim's closest surviving relative, the committee or guardian of such
23 person, or the legal representative of any such person. Such statement
24 submitted by the victim or victim's representative may include informa-
25 tion concerning threatening or intimidating conduct toward the victim,
26 the victim's representative, or the victim's family, made by the person
27 sentenced and occurring after the sentencing. Such information may
28 include, but need not be limited to, the threatening or intimidating
29 conduct of any other person who or which is directed by the person
30 sentenced. Any statement by a victim or the victim's representative made
31 to the board shall be maintained by the department in the file provided
32 to the board when interviewing the incarcerated individual in consider-
33 ation of release. A victim or victim's representative who has submitted
34 a written request to the department for the transcript of such interview
35 shall be provided such transcript as soon as it becomes available. Any
36 person interested in the grant or denial of discretionary release under
37 this subdivision shall have the right to submit a written statement of
38 views in support of or in opposition to the granting of discretionary
39 release which the board may consider, except that the board may exclude
40 from consideration information which is irrelevant or unreliable.

41 § 2. This act shall take effect immediately.