

STATE OF NEW YORK

4645

2025-2026 Regular Sessions

IN SENATE

February 10, 2025

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 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]~~ such incarcerated individual should be paroled in accordance
10 with the guidelines adopted pursuant to subdivision four of section two
11 hundred fifty-nine-c of this article. Such determination to parole such
12 incarcerated individual shall be unanimous by agreement of the board. If
13 parole is not granted upon such review, the incarcerated individual
14 shall be informed in writing within two weeks of such appearance of the
15 factors and reasons for such denial of parole. Such reasons shall be
16 given in detail and not in conclusory terms. The board shall specify a
17 date not more than twenty-four months from such determination for recon-
18 sideration, and the procedures to be followed upon reconsideration shall
19 be the same. If the incarcerated individual is released, ~~[he or she]~~
20 such incarcerated individual shall be given a copy of the conditions of
21 parole. Such conditions shall where appropriate, include a requirement
22 that the parolee comply with any restitution order, mandatory surcharge,
23 sex offender registration fee and DNA databank fee previously imposed by

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

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1 a court of competent jurisdiction that applies to the parolee. The
2 conditions shall indicate which restitution collection agency estab-
3 lished under subdivision eight of section 420.10 of the criminal proce-
4 dure law, shall be responsible for collection of restitution, mandatory
5 surcharge, sex offender registration fees and DNA databank fees as
6 provided for in section 60.35 of the penal law and section eighteen
7 hundred nine of the vehicle and traffic law. If the incarcerated indi-
8 vidual is released, [~~he or she~~] such incarcerated individual shall also
9 be notified in writing that [~~his or her~~] such incarcerated individual's
10 voting rights will be restored upon release.

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

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

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