

Memo

BILL NUMBER:S1128

TITLE OF BILL: An act to amend the executive law, in relation to modifying the procedure for interviews of parole applicants and to the disclosure of parole applicant records

PURPOSE: To provide clarification and guidance to inmates who have been denied parole in order to take proper steps to be granted parole in the future.

SUMMARY OF PROVISIONS: Section One of the bill states that at least three months prior to a parole hearing, a parole applicant may be personally interviewed by a member or members of the parole board to determine if the parole applicant shall be paroled.

The interview shall take place with all parties in the same room and videotaped. This recording shall be limited to the Parole Board, the parole applicant and his or her representative.

At least one month before the interview, the parole applicant must have access to the contents of his or her parole file.

The victim, upon request shall be provided the inmate's status reports, psychiatric evaluations and parole applicant's "parole release plan."

The Parole Board must state in detail, and not in vague terms, the factors and reasons for the denial of parole and the specific requirements for actions to be taken, programs or accomplishments to be completed, or the changes in performance or conduct to be made, or corrective action to be taken in order to qualify for parole release.

Within ninety days of the hearing decision, the department shall provide the parole applicant access to the program or program activities and applicant shall be granted a parole hearing upon successful completion of the program. If all criteria is met, release shall be granted.

Section Two requires the Parole Board to review the parole applicant's preparedness for reentry and reintegration into society. Further, as part of the re-entry review, the Parole Board must determine that there is or is not reasonable cause to believe that the release of the parole applicant would create a present danger to the victim or the victim's representative, The Parole Board must determine the effectiveness of the parole applicant's participation and performance, if any, in a reconciliation/restorative justice-type conference with the victim or victim representatives.

JUSTIFICATION: Under current law, the Parole Board may deny an inmate parole simply due to the nature of his or her crime. Under this criteria, an inmate

may never become eligible for parole - no matter how successful he or she has been in rehabilitative and educational programs.

This bill would require the Parole Board to inform an inmate that was denied parole the exact reasons for the denial, and what steps are required to be considered for parole in the future.

LEGISLATIVE HISTORY: 2011-12: S.5374/A.7939 - Died in Crime Victims, Crime, and Corrections.

FISCAL IMPLICATIONS: To be determined.

LOCAL FISCAL IMPLICATIONS: None.

EFFECTIVE DATE: This act shall take effect on the one hundred eightieth day after it shall have become law; provided that the amendments to paragraph (a) of subdivision 2 of section 259-i of the executive law made by section one of this act shall be subject to the expiration and reversion of such paragraph as provided by section 74 of chapter 3 of the laws of 1995, as amended, where upon such date the provisions of section two of this act shall take effect.