



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Senate Passes Bills to Fix NY's Broken Parole System

JIM RANNEY May 2, 2018

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Senator Patrick M. Gallivan (R-C-I, Elma) announces the New York State Senate has passed a package of public safety initiatives to prevent violent criminals from being released back into communities and give victims and law enforcement a bigger voice in the parole and sentencing processes. The bills increase penalties for some of the worst crimes and repeat offenders, prevent re-victimization of victims and their families and give them a greater voice in the parole process, enhance protections for those who work in the justice system, and protect society by preventing the most dangerous convicted murderers from becoming

eligible for early release, among other measures.

“One of the most important responsibilities we have as elected officials is to keep residents of New York safe,” Gallivan said. “As a former State Trooper and Sheriff, and current Chair of the Senate Committee on Crime Victims, Crime and Correction, I am troubled by recent decisions by the Board of Parole to release people who have committed some of the most brutal crimes, including a convicted cop killer. Such decisions are indefensible and an affront to law-abiding citizens. These bills will increase penalties for the most violent offenders, reform the parole system and ensure the protection of our communities.”

The Senate voted to address recent incidents where the rights of convicted and dangerous criminals were put ahead of the law-abiding public. Last week, notorious cop killer Herman Bell was released from prison, even after he lured New York City police officers Waverly Jones and Joseph Piagentini to a Harlem housing project in 1971 and murdered them. Other instances of early release, such as Christopher Thomas - who was responsible for executing 10 people including 8 children on Palm Sunday in 1984 – and violent crimes committed by repeat offenders have rightfully outraged victims, law enforcement, and the public. These bills will help reform broken parole and sentencing processes and include:

#### *Strengthening Penalties for the Most Violent Offenders*

**S7976**, requires a sentence of life imprisonment without parole for murder in the first degree involving the killing of a first responder. This stronger punishment is reflective of the seriousness of the crime committed and will prevent family members of the victims from having to relive the nightmare during repeated parole hearings.

**S8228**, denies conditional release for any individual that is convicted of manslaughter in the first degree. Currently, a person found guilty of first-degree manslaughter is eligible for

conditional release after serving six-sevenths of a determinate sentence of the first eligible date of discretionary parole. The bill is in response to the recent release of **Christopher Thomas**, who received 10 consecutive prison terms or what could have been a total of 250 years in prison but his sentence was capped at the current State maximum of 50 years. He became eligible for release after less than 33 years of his maximum sentence.

**S2730**, would authorize the State Parole Board to require a violent felony offender to serve his or her maximum term if release would pose an imminent threat to society. This legislation would help protect innocent citizens from the danger of violent offenders being placed back onto the streets just because the offenders served a majority of their sentence with “good behavior.”

**S4036**, authorizes the imposition of life imprisonment without parole for persistent violent felony offenders. The category of criminal defendants defined under law as persistent violent felony offenders is comprised of those who have been convicted on at least two previous and separate occasions of violent felony offenses such as kidnapping, first degree rape, arson, among others.

**S7370**, provides that the sentence for murder in the first degree shall be life imprisonment without parole. The bolstering of this sentencing provision is meant to deter brutal and senseless acts, in hopes of saving lives.

**S1211**, prohibits convicted sex offenders from serving sporadic prison sentences. Under current state law, intermittent imprisonment is usually reserved for those only convicted of misdemeanors or lower level felonies – this bill would correct that by barring sex offenders from being out on the streets for parts of their punishment, such as only being imprisoned

on weekdays or weekends.

### *Reforming the Parole Process*

**S6200A**, provides for family members of a crime victim and interested parties to make statements to members of the State Parole Board, which would include all three panelists instead of the one currently required under law. Giving family members the opportunity to speak before the parole board will make the process open and more fair to a victim's family and all other parties.

**S7531B**, requires the State Parole Board to consider statements made to the board by a third party when considering a discretionary release on parole and to keep all statements made to the parole board confidential and only available to the parole board. This provides a meaningful opportunity for individuals whose lives have been impacted by a serious crime to explain the impact the crime has had on their lives, whether that be through written comments or oral testimony.

**S2997A**, enacts "Lorraine's Law," which would extend the waiting period between parole hearings from 24 to 60 months in cases where the inmate applying for parole was sentenced for a violent crime. Named in memory of **Lorraine Miranda, who was murdered by her fiancé in 1988**, this legislation reduces the amount of times family and friends of a violent crime victim has to relive a tragedy. In the case of Lorraine, her killer was sentenced to 15 years-to-life in prison, became eligible for parole in 2003, and has already been up for and denied parole seven times.

**S2819**, enacts "Cesar's Law," which would require the retaking of parolees who abscond from

the supervision of the State Parole Board. The legislation is named for **Cesar Sanchez, a 20-year-old man who was shot and killed** outside the Berry Houses complex on Staten Island in 2014 by a parolee who was delinquent in reporting to his parole officer. This legislation would require that local law enforcement be notified when a person is delinquent in reporting to their parole officer, and that such law enforcement agency apprehend the absconder to protect the public from being harmed by the felons.

*Safeguarding Those Who Administer Justice and Protect the Public*

**S5399A**, would expand protections to judges, court officers, and other personnel of judicial facilities by creating stiffer penalties for criminal defendants accused of aggravated harassment. This new legislation will act as a deterrent to keep inmates and criminal defendants from acting inappropriately when interacting with the courts and court personnel.

**S6348**, requires the state to pay for the salary, wages, medical and hospital expenses of parole revocation specialist title series, revenue crime specialist title series or investigative officer title series who are injured in the performance of his or her duties, or fall ill as a result of their duties. This bill is meant to provide assurances for public servants who experience a very high risk of work-related injury.

The bills acted on are part of the Senate's ongoing commitment to criminal justice and keeping communities safe. Earlier this year, the Senate organized an education campaign and petition drive with thousands of signatures opposed to the release of cop-killer Bell. Last year, the Senate again helped increase public awareness and delivered 10,000 petition signatures to the state Parole Board in advance of a hearing for Judith Clark, who drove a

getaway car in a 1981 robbery of a Brink's armored truck that left two police officers dead. Her original sentence was commuted by Governor Cuomo, but her parole was denied largely due to public outcry. A second hearing is being scheduled after the original decision was appealed.

The bills will be sent to the Assembly.