

Memorandum in Support

NYSBA #47

April 8, 2026

S.9846
A.514

By: Senator Cleare

By: M of A Davila

Senate Committee: Crime Victims, Crime and Corrections

Assembly Committee: Correction

Effective Date: Immediately

AN ACT to amend the executive law, in relation to parole eligibility for certain incarcerated persons aged fifty-five or older

LAW AND SECTIONS REFERRED TO: Section 259-c of the Executive Law is amended by adding new subdivisions 18 and 19.

NEW YORK STATE BAR ASSOCIATION **SUPPORTS THIS LEGISLATION**

The New York State Bar Association's 2022 [Report by the Task Force on Racism, Social Equity and the Law](#) made a number of recommendations which would address the changes that must be made to New York's sentencing structure to ultimately lower the amount of time people spend incarcerated.¹ By considering parole for people who have served at least 15 years of a sentence and are 55 or older, this legislation recognizes the ineffective, expensive and racially biased nature of mass incarceration and understands that people should be evaluated as individuals and assessed on their efforts to improve themselves, not on the crime that led to their initial incarceration.

New York State has one of the largest populations of people serving life sentences in the country, a population which is disproportionately Black and Latinx. Of that population, there is a significant number of older adults, a population which studies show has an increased rate of aging as a result of prison conditions.² The cost of incarcerating older people is also double that of housing those who are younger due to health care expenses, with New York State spending between \$100,000 and \$240,000 annually for each incarcerated older adult, which the NYS Department of Correction and Community Supervision(DOCCS) defines as adults 55 years of age or older.³

Recidivism research shows that arrest rates decrease dramatically, to just over 2 percent in people aged 50 to 65 years old and to almost zero for those over 65 years old.⁴ Recognizing those statistics, the perpetual confinement of aging and elderly adults becomes an unnecessary and expensive

¹ [NYSBA-Taskforce-on-Racism-Social-Equity-and-the-Law-11.11.22-FINAL-with-changes-accepted.pdf](#), 2022

² American Bar Association, Broken and Underutilized: Understanding Compassionate Release Programs for Older Adult Prisoners, [Broken and Underutilized: Understanding Compassionate Release Programs for Older Adult Prisoners](#), 2023

³ [NY State Senate Bill 2025-S454](#)

⁴ Vera Institute of Justice, Aging Out: Using Compassionate Release to Address the Growth of Aging and Infirm Prison Populations, [Using-Compassionate-Release-to-Address-the-Growth-of-Aging-and-Infirm-Prison-Populations—Fact-Sheet.pdf](#), 2017

practice, particularly for those people who have spent their sentences focusing on self-improvement.

For the reasons stated above, and the attached report, the New York State Bar Association **SUPPORTS** this legislation.