

2009-2010 Regular Sessions

I N   S E N A T E

January 15, 2009

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Introduced by Sen. ALESI -- 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 certain notifications to crime victims

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 259-c of the executive law is amended by adding a  
2     new closing paragraph to read as follows:  
3     UPON THE REQUEST OF A CRIME VICTIM THAT SUCH CRIME VICTIM BE NOTIFIED  
4     OF ANY PAROLE RELEASE INTERVIEW TO BE CONDUCTED PURSUANT TO THIS CHAP-  
5     TER, CONCERNING THE PERPETRATOR OF THE CRIME AGAINST SUCH CRIME VICTIM,  
6     SUCH NOTIFICATION SHALL BE FORWARDED BY FIRST CLASS MAIL TO THE CRIME  
7     VICTIM'S LAST KNOWN ADDRESS, NOT LATER THAN SIXTY DAYS PRIOR TO SUCH  
8     INTERVIEW OR ANY DATE TO WHICH SUCH HEARING HAS BEEN ADJOURNED. SUCH  
9     NOTICE SHALL CLEARLY IDENTIFY THE NATURE OF THE INTERVIEW, THE LOCATION  
10    AND TIME OF SAME, AND SHALL INFORM SUCH CRIME VICTIM THAT HE OR SHE  
11    SHALL BE PERMITTED TO SUBMIT A WRITTEN, AUDIOTAPED, OR VIDEOTAPED CRIME  
12    VICTIM IMPACT STATEMENT TO THE STATE DIVISION OF PAROLE OR TO MEET  
13    PERSONALLY WITH A MEMBER OR MEMBERS OF THE STATE BOARD OF PAROLE AT A  
14    TIME AND PLACE SEPARATE FROM THE PERSONAL INTERVIEW BETWEEN A MEMBER OR  
15    MEMBERS OF THE STATE BOARD OF PAROLE, AND THAT THE CRIME VICTIM IMPACT  
16    STATEMENT WILL BE CONSIDERED BY THE STATE BOARD OF PAROLE AT SUCH HEAR-  
17    ING. "CRIME VICTIM", FOR PURPOSES OF THIS PARAGRAPH, SHALL MEAN (A) ONE  
18    WHO HAS SUSTAINED PHYSICAL OR FINANCIAL INJURY TO PERSON OR PROPERTY  
19    DIRECTLY ATTRIBUTABLE TO THE CRIMINAL CONDUCT FOR WHICH THE INMATE HAS  
20    BEEN INCARCERATED; (B) THE WIDOW, WIDOWER OR CLOSEST SURVIVING RELATIVE  
21    OF A DECEASED VICTIM; (C) IN THE EVENT OF A CRIME VICTIM WHO IS PHYS-  
22    ICALLY OR MENTALLY INCAPACITATED, THE SPOUSE, PARENT, COMMITTEE, CONSER-  
23    VATOR, OR GUARDIAN OF SUCH VICTIM; OR (D) THE LEGAL REPRESENTATIVE OF  
24    SUCH VICTIM.

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

LBD01788-01-9

1 S 2. Subdivision 14 of section 259-c of the executive law, as amended  
2 by chapter 320 of the laws of 2006, is amended to read as follows:

3 14. notwithstanding any other provision of law to the contrary, where  
4 a person serving a sentence for an offense defined in article one  
5 hundred thirty, one hundred thirty-five or two hundred sixty-three of  
6 the penal law or section 255.25, 255.26 or 255.27 of the penal law and  
7 the victim of such offense was under the age of eighteen at the time of  
8 such offense or such person has been designated a level three sex offen-  
9 der pursuant to subdivision six of section one hundred sixty-eight-1 of  
10 the correction law, is released on parole or conditionally released OR  
11 PRESUMPTIVELY RELEASED pursuant to subdivision one or two of this  
12 section, the board shall require, as a mandatory condition of such  
13 release, that such sentenced offender shall refrain from knowingly  
14 entering into or upon any school grounds, as that term is defined in  
15 subdivision fourteen of section 220.00 of the penal law, or any other  
16 facility or institution primarily used for the care or treatment of  
17 persons under the age of eighteen while one or more of such persons  
18 under the age of eighteen are present, provided however, that when such  
19 sentenced offender is a registered student or participant or an employee  
20 of such facility or institution or entity contracting therewith or has a  
21 family member enrolled in such facility or institution, such sentenced  
22 offender may, with the written authorization of his or her parole offi-  
23 cer and the superintendent or chief administrator of such facility,  
24 institution or grounds, enter such facility, institution or upon such  
25 grounds for the limited purposes authorized by the parole officer and  
26 superintendent or chief officer. Nothing in this subdivision shall be  
27 construed as restricting any lawful condition of supervision that may be  
28 imposed on such sentenced offender.

29 S 3. This act shall take effect on the sixtieth day after it shall  
30 have become a law.