S T A T E O F N E W Y O R K

6785

I N S E N A T E

March 21, 2012

Introduced by Sen. GRIFFO -- 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 and the mental hygiene law, in relation to records of parole release interviews for certain inmates

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

Section 1. Paragraph (a) of subdivision 6 of section 259-i of the executive law, as amended by section 1 of part T of chapter 62 of the laws of 2003, is amended to read as follows:

(a) (I) The board shall provide for the making of a verbatim record of each parole release interview, except where a decision is made to release the inmate to parole supervision, and each preliminary and final revocation hearing, except when the decision of the presiding officer after such hearings result in a dismissal of all charged violations of parole, conditional release or post release supervision.

(II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE BOARD SHALL PROVIDE FOR THE MAKING OF A VERBATIM RECORD OF EACH PAROLE RELEASE INTERVIEW IN ALL PROCEEDINGS WHERE THE INMATE IS A DETAINED SEX OFFENDER AS SUCH TERM IS DEFINED IN SUBDIVISION (G) OF SECTION 10.03 OF THE MENTAL HYGIENE LAW. SUCH RECORD SHALL BE PROVIDED TO THE OFFICE OF MENTAL HEALTH FOR USE BY THE MULTIDISCIPLINARY STAFF AND THE CASE REVIEW PANEL PURSUANT TO SECTION 10.05 OF THE MENTAL HYGIENE LAW.

S 2. Paragraph 5 of subdivision (c) of section 10.05 of the mental hygiene law, as added by chapter 7 of the laws of 2007, is amended and a new paragraph 6 is added to read as follow:

(5) A description of the person's institutional history, including his or her participation in any sex offender treatment program[.]; AND

(6) RECORDS OF PAROLE RELEASE INTERVIEWS PREPARED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (A) OF SUBDIVISION SIX OF SECTION TWO HUNDRED FIFTY-NINE-I OF THE EXECUTIVE LAW.

S 3. Subdivision (d) of section 10.05 of the mental hygiene law, as added by chapter 7 of the laws of 2007, is amended to read as follows:

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

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(d) The commissioner shall be authorized to designate multidisciplinary staff, including clinical and other professional personnel, to provide a preliminary review of the need for detained sex offenders to be evaluated under the procedures of this section. When the commissioner receives notice pursuant to subdivision (b) of this section, such staff shall review and assess relevant medical, clinical, criminal, [or] AND institutional records, actuarial risk assessment instruments [or] AND other records and reports, including RECORDS OF PAROLE RELEASE INTERVIEWS WHERE APPLICABLE, AND records and reports provided by the district attorney of the county where the person was convicted, or in the case of persons determined to be incapacitated or not responsible by reason of mental disease or defect, the county where the person was charged. Upon such review and assessment, the staff shall determine whether the person who is the subject of the notice should be referred to a case review team for evaluation.

S 4. This act shall take effect on the thirtieth day after it shall have become a law.