

4160

2011-2012 Regular Sessions

I N   S E N A T E

March 21, 2011

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Introduced by Sen. SAVINO -- 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 criminal procedure law, in relation to enabling victims to view parole hearings via closed circuit television or a secure online website

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 subdivision 18 to read as follows:  
3     18. PERMIT VICTIMS AND RELATIVES OF VICTIMS TO VIEW AN INMATE'S PAROLE  
4     HEARING RELATING TO THEIR CASE VIA CLOSED CIRCUIT TELEVISION OR A SECURE  
5     ONLINE WEBSITE.  
6     S 2. Subdivision 3 of section 641 of the executive law, as added by  
7     chapter 94 of the laws of 1984 and paragraph (d) as amended by chapter  
8     618 of the laws of 1992, is amended to read as follows:  
9     3. Ensure notification of victims, witnesses, relatives of those  
10    victims and witnesses who are minors, and relatives of homicide victims,  
11    if such persons provide the appropriate official with a current address  
12    and telephone number, either by phone or by mail, if possible, of judicial  
13    proceedings relating to their case, including:  
14    (a) the arrest of an accused;  
15    (b) the initial appearance of an accused before a judicial officer;  
16    (c) the release of an accused pending judicial proceedings; [and]  
17    (d) proceedings in the prosecution of the accused including entry of a  
18    plea of guilty, trial, sentencing, but prior to sentencing specific  
19    information shall be provided regarding the right to seek restitution  
20    and reparation, and where a term of imprisonment is imposed, specific  
21    information shall be provided regarding maximum and minimum terms of  
22    such imprisonment; AND

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

LBD08390-01-1

1 (E) THE DATE AND TIME OF ANY PAROLE HEARING AS WELL AS THE LOCATION AT  
2 WHICH THE VICTIM AND RELATIVES OF THE VICTIM MAY VIEW THE HEARING ON  
3 CLOSED CIRCUIT TELEVISION OR THE SECURE ONLINE WEBSITE ON WHICH THE  
4 HEARING MAY BE VIEWED.

5 S 3. Subdivision 1 of section 440.50 of the criminal procedure law, as  
6 amended by chapter 186 of the laws of 2005, is amended to read as  
7 follows:

8 1. Upon the request of a victim of a crime, or in any event in all  
9 cases in which the final disposition includes a conviction of a violent  
10 felony offense as defined in section 70.02 of the penal law or a felony  
11 defined in article one hundred twenty-five of such law, the district  
12 attorney shall, within sixty days of the final disposition of the case,  
13 inform the victim by letter of such final disposition. If such final  
14 disposition results in the commitment of the defendant to the custody of  
15 the department of correctional services for an indeterminate sentence,  
16 the notice provided to the crime victim shall also inform the victim of  
17 his or her right to submit a written, audiotaped, or videotaped victim  
18 impact statement to the state division of parole or to meet personally  
19 with a member of the state board of parole at a time and place separate  
20 from the personal interview between a member or members of the board and  
21 the inmate and make such a statement, subject to procedures and limita-  
22 tions contained in rules of the board, both pursuant to subdivision two  
23 of section two hundred fifty-nine-i of the executive law. The right of  
24 the victim under this subdivision to submit a written victim impact  
25 statement or to meet personally with a member of the state board of  
26 parole applies to each personal interview between a member or members of  
27 the board and the inmate. THE NOTICE TO THE VICTIM SHALL ALSO INFORM  
28 THE VICTIM OF HIS OR HER RIGHT TO VIEW THE DEFENDANT'S PAROLE HEARING ON  
29 CLOSED CIRCUIT TELEVISION OR OVER A SECURE ONLINE WEBSITE AND SHALL  
30 INFORM THE VICTIM OF THE INTENDED DATE AND TIME OF THE PAROLE HEARING AS  
31 WELL AS THE LOCATION OR WEBSITE ADDRESS AT WHICH THE VICTIM MAY VIEW THE  
32 HEARING.

33 S 4. This act shall take effect immediately.