

4160--A

2011-2012 Regular Sessions

I N S E N A T E

March 21, 2011

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- recommitted to the Committee on Crime Victims, Crime and Correction in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 judi-
13 cial 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

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

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1 information shall be provided regarding maximum and minimum terms of
2 such imprisonment; AND

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

7 S 3. Subdivision 1 of section 440.50 of the criminal procedure law, as
8 amended by section 80 of subpart B of part C of chapter 62 of the laws
9 of 2011, is amended to read as follows:

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

35 S 4. This act shall take effect immediately.