

1481

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sen. MARCELLINO -- 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 notification of  
certain persons upon the conditional release of an inmate convicted of  
a crime against a member of the same family or household

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

1     Section 1.     Subdivision 2 of section 259-c of the executive law, as  
2     amended by section 38-b of subpart A of part C of chapter 62 of the laws  
3     of 2011, is amended to read as follows:  
4     2. have the power and duty of determining the conditions of release of  
5     the person who may be presumptively released, conditionally released or  
6     subject to a period of post-release supervision under an indeterminate  
7     or determinate sentence of imprisonment. WHERE AN INMATE TO BE CONDI-  
8     TIONALLY RELEASED WAS CONVICTED OF A CRIME AND THE VICTIM IS OR WAS A  
9     MEMBER OF THE SAME FAMILY OR HOUSEHOLD AS THE INMATE IT SHALL BE THE  
10    DUTY OF THE BOARD AT LEAST ONE WEEK PRIOR TO THE RELEASE TO NOTIFY THE  
11    VICTIM OR VICTIMS OF SUCH OFFENSE, UNLESS THE VICTIM REFUSES OR HIS OR  
12    HER WHEREABOUTS ARE UNKNOWN, THAT THE INMATE IS BEING RELEASED AND OF  
13    THE CONDITIONS OF SUCH RELEASE. SUCH NOTIFICATION SHALL BE SENT BY ELEC-  
14    TRONIC MAIL WHEN THE ELECTRONIC MAIL ADDRESS OF THE VICTIM OR VICTIMS IS  
15    AVAILABLE, AND WHEN IT IS NOT, BY CERTIFIED MAIL TO THE LAST KNOWN  
16    ADDRESS OF THE VICTIM OR VICTIMS. WHEN SUCH ADDRESS IS A SHELTER FOR  
17    VICTIMS OF DOMESTIC ABUSE NOTICE SHALL ALSO BE GIVEN TO THE DIRECTOR OR  
18    ADMINISTRATOR OF SUCH SHELTER. FOR PURPOSES OF THIS SUBDIVISION,  
19    "MEMBERS OF THE SAME FAMILY OR HOUSEHOLD" SHALL MEAN THE FOLLOWING:  
20        (A) PERSONS RELATED BY CONSANGUINITY OR AFFINITY;  
21        (B) PERSONS LEGALLY MARRIED TO ONE ANOTHER;  
22        (C) PERSONS FORMERLY MARRIED TO ONE ANOTHER;

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

LBD03284-01-3

1 (D) PERSONS WHO HAVE A CHILD IN COMMON, REGARDLESS OF WHETHER SUCH  
2 PERSONS HAVE BEEN MARRIED OR HAVE LIVED TOGETHER AT ANY TIME;

3 S 2. Subdivision 2 of section 259-c of the executive law, as separate-  
4 ly amended by chapter 904 of the laws of 1977 and chapter 1 of the laws  
5 of 1998, is amended to read as follows:

6 2. have the power and duty of determining the conditions of release of  
7 the person who may be conditionally released or subject to a period of  
8 post-release supervision under an indeterminate or reformatory sentence  
9 of imprisonment and of determining which inmates serving a definite  
10 sentence of imprisonment may be conditionally released and when and  
11 under what conditions. WHERE AN INMATE TO BE CONDITIONALLY RELEASED WAS  
12 CONVICTED OF A CRIME AND THE VICTIM IS OR WAS A MEMBER OF THE SAME FAMI-  
13 LY OR HOUSEHOLD AS THE INMATE IT SHALL BE THE DUTY OF THE BOARD AT LEAST  
14 ONE WEEK PRIOR TO THE RELEASE TO NOTIFY THE VICTIM OR VICTIMS OF SUCH  
15 OFFENSE, UNLESS THE VICTIM REFUSES OR HIS OR HER WHEREABOUTS ARE  
16 UNKNOWN, THAT THE INMATE IS BEING RELEASED AND OF THE CONDITIONS OF SUCH  
17 RELEASE. SUCH NOTIFICATION SHALL BE SENT BY ELECTRONIC MAIL WHEN THE  
18 ELECTRONIC MAIL ADDRESS OF THE VICTIM OR VICTIMS IS AVAILABLE, AND WHEN  
19 IT IS NOT, BY CERTIFIED MAIL TO THE LAST KNOWN ADDRESS OF THE VICTIM OR  
20 VICTIMS. WHEN SUCH ADDRESS IS A SHELTER FOR VICTIMS OF DOMESTIC ABUSE  
21 NOTICE SHALL ALSO BE GIVEN TO THE DIRECTOR OR ADMINISTRATOR OF SUCH  
22 SHELTER. FOR PURPOSES OF THIS SUBDIVISION, "MEMBERS OF THE SAME FAMILY  
23 OR HOUSEHOLD" SHALL MEAN THE FOLLOWING:

24 (A) PERSONS RELATED BY CONSANGUINITY OR AFFINITY;

25 (B) PERSONS LEGALLY MARRIED TO ONE ANOTHER;

26 (C) PERSONS FORMERLY MARRIED TO ONE ANOTHER;

27 (D) PERSONS WHO HAVE A CHILD IN COMMON, REGARDLESS OF WHETHER SUCH  
28 PERSONS HAVE BEEN MARRIED OR HAVE LIVED TOGETHER AT ANY TIME;

29 S 3. This act shall take effect on the sixtieth day after it shall  
30 have become a law; provided that the amendments to subdivision 2 of  
31 section 259-c of the executive law, made by section one of this act,  
32 shall not affect the expiration and reversion of such subdivision and  
33 shall expire therewith, when upon such date the provisions of section  
34 two of this act shall take effect; and shall apply to all inmates condi-  
35 tionally released on or after the effective date of this act.