

STATE OF NEW YORK

128

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. GALLIVAN, BORRELLO, OBERACKER, PALUMBO, RHOADS --
read twice and ordered printed, and when printed to be committed to
the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to requiring the
notice to crime victims of case disposition to inform the victim of
the right to attend interviews between the board of parole and the
incarcerated individual; and to amend the executive law, in relation
to requiring the board of parole to review victim impact statements

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Subdivision 1 of section 440.50 of the criminal procedure
2 law, as amended by chapter 322 of the laws of 2021, is amended to read
3 as follows:
4 1. (a) Upon the request of a victim of a crime, or in any event in all
5 cases in which the final disposition includes a conviction of a violent
6 felony offense as defined in section 70.02 of the penal law, a felony
7 defined in article one hundred twenty-five of such law, or a felony
8 defined in article one hundred thirty of such law, the district attorney
9 shall, within sixty days of the final disposition of the case, inform
10 the victim by letter of such final disposition. If such final disposi-
11 tion results in the commitment of the defendant to the custody of the
12 department of corrections and community supervision for an indeterminate
13 sentence, the notice provided to the crime victim shall also inform the
14 victim of [~~his or her~~] the right to submit a written, audiotaped, tele-
15 phonic, or [~~videotaped~~] video recorded victim impact statement to the
16 department of corrections and community supervision or to meet
17 personally with a member of the state board of parole at a time and
18 place separate from the personal interview between a member or members
19 of the board and the incarcerated individual and make such a statement,
20 subject to procedures and limitations contained in rules of the board,

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

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1 both pursuant to subdivision two of section two hundred fifty-nine-i of
2 the executive law. A copy of such [~~letter~~] statement shall be provided
3 to the board of parole and all presiding commissioners for such hearing.
4 The right of the victim under this subdivision to submit a [~~written~~]
5 victim impact statement in any format or to meet personally with a
6 member of the state board of parole applies to each personal interview
7 between a member or members of the board and the incarcerated individ-
8 ual.

9 (b) In all cases in which the final disposition includes a felony
10 defined in article one hundred twenty-five of the penal law that
11 results in the commitment of the defendant to the custody of the depart-
12 ment of corrections and community supervision for an indeterminate
13 sentence, the notice provided to the crime victim pursuant to paragraph
14 (a) of this subdivision shall also inform the victim of the right to
15 attend the personal interview between members of the board of parole and
16 the incarcerated individual, whether in-person or by electronic appear-
17 ance as defined in section 182.10 of this part, and reasonably express
18 opinions concerning the crime, the incarcerated individual, and whether
19 or not the incarcerated individual should be released on parole, and if
20 so released, under what conditions, subject to procedures and limita-
21 tions contained in the rules of the board, pursuant to subdivision two
22 of section two hundred fifty-nine-i of the executive law. If the victim
23 is present at the parole interview, the board, at the victim's request,
24 shall permit the presence of an individual to provide support to the
25 victim. The right of the victim under this subdivision to attend the
26 personal interview between members of the board and the incarcerated
27 individual, whether in-person or by electronic appearance, applies to
28 each personal interview between a member or members of the board and the
29 incarcerated individual.

30 § 2. Subdivision 2 of section 259-i of the executive law is amended by
31 adding a new paragraph (f) to read as follows:

32 (f) Immediately prior to the conduct of any hearing by the board of
33 parole as provided in this article, the members of the board and all
34 presiding commissioners for such hearing shall review all victim impact
35 statements relating to the offense or offenses of which the incarcerated
36 individual has been convicted, including victim impact statements
37 provided in connection with the pre-sentencing report and victim impact
38 statements provided directly to the board. All victim impact statements
39 provided directly to the board shall be video recorded. Failure to
40 review statements as provided in this section shall render such hearing
41 invalid.

42 § 3. This act shall take effect immediately.