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

1176

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. SEMINERIO -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to providing notice to victims of case disposition

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

Section 1. Subdivision 1 of section 440.50 of the criminal procedure law, as amended by chapter 186 of the laws of 2005, is amended to read as follows:

1. [Upon the request of a victim of a crime, or in any event in all cases in which the final disposition includes a conviction of a violent felony offense as defined in section 70.02 of the penal law or a felony defined in article one hundred twenty-five of such law, the] THE district attorney shall, within sixty days of the final disposition of the case, inform the victim by letter of such final disposition PROVIDED, HOWEVER, THAT UPON THE REQUEST OF A VICTIM, THE NOTICE REQUIRED UNDER THIS SECTION SHALL NOT BE PROVIDED TO SUCH VICTIM. If such final disposition results in the commitment of the defendant to the custody of the department of correctional services for an indeterminate sentence, the notice provided to the crime victim shall also inform the victim of his or her right to submit a written, audiotaped, or videotaped victim impact statement to the state division of parole or to meet personally with a member of the state board of parole at a time and place separate from the personal interview between a member or members of the board and the inmate and make such a statement, subject to procedures and limitations contained in rules of the board, both pursuant to subdivision two of section two hundred fifty-nine-i of the executive law. The right of the victim under this subdivision to submit a written victim impact statement or to meet personally with a member of the state

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

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board of parole applies to each personal interview between a member or members of the board and the inmate.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.