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

1279

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. REILLY -- read once and referred to the Committee on Health

AN ACT to amend the public health law and the executive law, in relation to the establishment of a statewide toll-free telephone referral service to assist sexual assault victims

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

Section 1. Section 206 of the public health law is amended by adding a new subdivision 26 to read as follows:

26. THE COMMISSIONER SHALL ESTABLISH A STATEWIDE TOLL-FREE TELEPHONE REFERRAL SERVICE TO ASSIST SEXUAL ASSAULT VICTIMS AND MEMBERS OF THEIR FAMILIES, AND SHALL ADVERTISE THE AVAILABILITY OF SUCH SERVICE. SUCH SERVICE SHALL BE DESIGNED SO THAT ALL CALLS RECEIVED BY THE SERVICE ARE ANSWERED BY AN INDIVIDUAL TRAINED IN RAPE CRISIS COUNSELING AND THAT ALL CALLS ARE FORWARDED TO THE RAPE CRISIS PROGRAM SERVING THE LOCATION WHERE THE VICTIM IS LOCATED OR WHERE THE REPORTED ASSAULT OCCURRED. SUCH SERVICE SHALL BE AVAILABLE IN SPANISH AS WELL AS IN ENGLISH.

S 2. Paragraphs (e), (f) and (g) of subdivision 2 of section 646-a of the executive law, paragraphs (e) and (f) as added by chapter 67 of the laws of 1994 and paragraph (g) as added by chapter 186 of the laws of 2005, are amended and a new paragraph (h) is added to read as follows:

(e) the rights of crime victims, where a defendant is being sentenced for a felony, to request the right to make a statement at the time of sentencing as provided in section 380.50 of the criminal procedure law; [and]

(f) the rights of crime victims to request restitution and have the district attorney present such request to the court and assist the crime victim in the filing and collection of a restitution order in cooperation with the designated agency of the court as provided in section

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

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420.10 of the criminal procedure law and section 60.27 of the penal law[.];

(g) the rights of crime victims to be aware of the defendant's incarceration status by providing the division of parole's contact information, including the division's toll-free telephone number, as provided for in subdivision two of section two hundred fifty-nine-i of this chapter. Such notice shall advise the crime victim to use the division's toll-free telephone number to update contact information[.]; AND

(H) THE RIGHTS OF CRIME VICTIMS TO RAPE CRISIS REFERRAL SERVICES INCLUDING THE DEPARTMENT OF HEALTH'S TOLL-FREE TELEPHONE REFERRAL SERVICE TO ASSIST SEXUAL ASSAULT VICTIMS AS PROVIDED FOR IN SUBDIVISION TWENTY-SIX OF SECTION TWO HUNDRED SIX OF THE PUBLIC HEALTH LAW.

S 3. The executive law is amended by adding a new section 646-b to read as follows:

S 646-B. PUBLIC SERVICE ANNOUNCEMENTS. THE CRIME VICTIMS BOARD SHALL DEVELOP, IN CONSULTATION WITH RAPE CRISIS PROGRAMS, PRINT AND ELECTRONIC PUBLIC SERVICE ANNOUNCEMENTS TO BE DISTRIBUTED TO TELEVISION AND RADIO STATIONS THROUGHOUT THE STATE INFORMING THE PUBLIC OF THE STATEWIDE TOLL-FREE REFERRAL SERVICE ESTABLISHED IN SUBDIVISION TWENTY-SIX OF SECTION TWO HUNDRED SIX OF THE PUBLIC HEALTH LAW TO ASSIST SEXUAL ASSAULT VICTIMS AND TO INFORM THE PUBLIC ABOUT THE AVAILABILITY OF RAPE CRISIS PROGRAMS THROUGHOUT THE STATE AND ABOUT OTHER SERVICES RELATED TO ASSISTING SEXUAL ASSAULT VICTIMS.

S 4. This act shall take effect on the one hundred eightieth day after it shall have become a law.