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

3033

2009-2010 Regular Sessions

I N A S S E M B L Y

January 22, 2009

Introduced by M. of A. CHRISTENSEN, KOON, GUNTHER, GALEF, JAFFEE -- Multi-Sponsored by -- M. of A. CANESTRARI, HOOPER, HOYT, HYER-SPENCER, JOHN, MAGEE, McENENY, ORTIZ, PHEFFER -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to certain notifications to crime victims

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

Section 1. Section 259-c of the executive law is amended by adding a new closing paragraph to read as follows:

UPON THE REQUEST OF A CRIME VICTIM THAT SUCH CRIME VICTIM BE NOTIFIED OF ANY PAROLE RELEASE INTERVIEW TO BE CONDUCTED PURSUANT TO THIS CHAPTER, CONCERNING THE PERPETRATOR OF THE CRIME AGAINST SUCH CRIME VICTIM, SUCH NOTIFICATION SHALL BE FORWARDED BY FIRST CLASS MAIL TO THE CRIME VICTIM'S LAST KNOWN ADDRESS, NOT LATER THAN SIXTY DAYS PRIOR TO SUCH INTERVIEW OR ANY DATE TO WHICH SUCH HEARING HAS BEEN ADJOURNED. SUCH NOTICE SHALL CLEARLY IDENTIFY THE NATURE OF THE INTERVIEW, THE LOCATION AND TIME OF SAME, AND SHALL INFORM SUCH CRIME VICTIM THAT HE OR SHE SHALL BE PERMITTED TO SUBMIT A WRITTEN, AUDIOTAPED, OR VIDEOTAPED CRIME VICTIM IMPACT STATEMENT TO THE STATE DIVISION OF PAROLE OR TO MEET PERSONALLY WITH A MEMBER OR MEMBERS OF THE STATE BOARD OF PAROLE AT A TIME AND PLACE SEPARATE FROM THE PERSONAL INTERVIEW BETWEEN A MEMBER OR MEMBERS OF THE STATE BOARD OF PAROLE, AND THAT THE CRIME VICTIM IMPACT STATEMENT WILL BE CONSIDERED BY THE STATE BOARD OF PAROLE AT SUCH HEARING. "CRIME VICTIM", FOR PURPOSES OF THIS PARAGRAPH, SHALL MEAN (A) ONE WHO HAS SUSTAINED PHYSICAL OR FINANCIAL INJURY TO PERSON OR PROPERTY DIRECTLY ATTRIBUTABLE TO THE CRIMINAL CONDUCT FOR WHICH THE INMATE HAS BEEN INCARCERATED; (B) THE WIDOW, WIDOWER OR CLOSEST SURVIVING RELATIVE OF A DECEASED VICTIM; (C) IN THE EVENT OF A CRIME VICTIM WHO IS PHYSICALLY OR MENTALLY INCAPACITATED, THE SPOUSE, PARENT, COMMITTEE, CONSER-

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

LBD01788-01-9

VATOR, OR GUARDIAN OF SUCH VICTIM; OR (D) THE LEGAL REPRESENTATIVE OF SUCH VICTIM.

S 2. Subdivision 14 of section 259-c of the executive law, as amended by chapter 320 of the laws of 2006, is amended to read as follows:

14. notwithstanding any other provision of law to the contrary, where a person serving a sentence for an offense defined in article one hundred thirty, one hundred thirty-five or two hundred sixty-three of the penal law or section 255.25, 255.26 or 255.27 of the penal law and the victim of such offense was under the age of eighteen at the time of such offense or such person has been designated a level three sex offender pursuant to subdivision six of section one hundred sixty-eight-l of the correction law, is released on parole or conditionally released OR PRESUMPTIVELY RELEASED pursuant to subdivision one or two of this section, the board shall require, as a mandatory condition of such release, that such sentenced offender shall refrain from knowingly entering into or upon any school grounds, as that term is defined in subdivision fourteen of section 220.00 of the penal law, or any other facility or institution primarily used for the care or treatment of persons under the age of eighteen while one or more of such persons under the age of eighteen are present, provided however, that when such sentenced offender is a registered student or participant or an employee of such facility or institution or entity contracting therewith or has a family member enrolled in such facility or institution, such sentenced offender may, with the written authorization of his or her parole officer and the superintendent or chief administrator of such facility, institution or grounds, enter such facility, institution or upon such grounds for the limited purposes authorized by the parole officer and superintendent or chief officer. Nothing in this subdivision shall be construed as restricting any lawful condition of supervision that may be imposed on such sentenced offender.

S 3. This act shall take effect on the sixtieth day after it shall have become a law.