

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-SPENC-
ER, 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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 259-c of the executive law is amended by adding a
2 new closing paragraph to read as follows:
3 UPON THE REQUEST OF A CRIME VICTIM THAT SUCH CRIME VICTIM BE NOTIFIED
4 OF ANY PAROLE RELEASE INTERVIEW TO BE CONDUCTED PURSUANT TO THIS CHAP-
5 TER, CONCERNING THE PERPETRATOR OF THE CRIME AGAINST SUCH CRIME VICTIM,
6 SUCH NOTIFICATION SHALL BE FORWARDED BY FIRST CLASS MAIL TO THE CRIME
7 VICTIM'S LAST KNOWN ADDRESS, NOT LATER THAN SIXTY DAYS PRIOR TO SUCH
8 INTERVIEW OR ANY DATE TO WHICH SUCH HEARING HAS BEEN ADJOURNED. SUCH
9 NOTICE SHALL CLEARLY IDENTIFY THE NATURE OF THE INTERVIEW, THE LOCATION
10 AND TIME OF SAME, AND SHALL INFORM SUCH CRIME VICTIM THAT HE OR SHE
11 SHALL BE PERMITTED TO SUBMIT A WRITTEN, AUDIOTAPED, OR VIDEOTAPED CRIME
12 VICTIM IMPACT STATEMENT TO THE STATE DIVISION OF PAROLE OR TO MEET
13 PERSONALLY WITH A MEMBER OR MEMBERS OF THE STATE BOARD OF PAROLE AT A
14 TIME AND PLACE SEPARATE FROM THE PERSONAL INTERVIEW BETWEEN A MEMBER OR
15 MEMBERS OF THE STATE BOARD OF PAROLE, AND THAT THE CRIME VICTIM IMPACT
16 STATEMENT WILL BE CONSIDERED BY THE STATE BOARD OF PAROLE AT SUCH HEAR-
17 ING. "CRIME VICTIM", FOR PURPOSES OF THIS PARAGRAPH, SHALL MEAN (A) ONE
18 WHO HAS SUSTAINED PHYSICAL OR FINANCIAL INJURY TO PERSON OR PROPERTY
19 DIRECTLY ATTRIBUTABLE TO THE CRIMINAL CONDUCT FOR WHICH THE INMATE HAS
20 BEEN INCARCERATED; (B) THE WIDOW, WIDOWER OR CLOSEST SURVIVING RELATIVE
21 OF A DECEASED VICTIM; (C) IN THE EVENT OF A CRIME VICTIM WHO IS PHYS-
22 ICALLY 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

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

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

5 14. notwithstanding any other provision of law to the contrary, where
6 a person serving a sentence for an offense defined in article one
7 hundred thirty, one hundred thirty-five or two hundred sixty-three of
8 the penal law or section 255.25, 255.26 or 255.27 of the penal law and
9 the victim of such offense was under the age of eighteen at the time of
10 such offense or such person has been designated a level three sex offen-
11 der pursuant to subdivision six of section one hundred sixty-eight-1 of
12 the correction law, is released on parole or conditionally released OR
13 PRESUMPTIVELY RELEASED pursuant to subdivision one or two of this
14 section, the board shall require, as a mandatory condition of such
15 release, that such sentenced offender shall refrain from knowingly
16 entering into or upon any school grounds, as that term is defined in
17 subdivision fourteen of section 220.00 of the penal law, or any other
18 facility or institution primarily used for the care or treatment of
19 persons under the age of eighteen while one or more of such persons
20 under the age of eighteen are present, provided however, that when such
21 sentenced offender is a registered student or participant or an employee
22 of such facility or institution or entity contracting therewith or has a
23 family member enrolled in such facility or institution, such sentenced
24 offender may, with the written authorization of his or her parole offi-
25 cer and the superintendent or chief administrator of such facility,
26 institution or grounds, enter such facility, institution or upon such
27 grounds for the limited purposes authorized by the parole officer and
28 superintendent or chief officer. Nothing in this subdivision shall be
29 construed as restricting any lawful condition of supervision that may be
30 imposed on such sentenced offender.

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