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

3312

2009-2010 Regular Sessions

I N A S S E M B L Y

January 26, 2009

Introduced by M. of A. ENGLEBRIGHT, SWEENEY, ORTIZ, EDDINGTON, MAYERSOHN -- Multi-Sponsored by -- M. of A. COLTON, HOOPER, KOON -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to prohibiting release of inmates convicted of a crime of driving while intoxicated until victim has had notice and the opportunity to make a victim impact statement

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

Section 1. Subdivision 1 of section 259-c of the executive law, as amended by chapter 3 of the laws of 1995, is amended to read as follows:

1. have the power and duty of determining which inmates serving an indeterminate or determinate sentence of imprisonment may be released on parole, or on medical parole pursuant to section two hundred fifty-nine-r of this article, and when and under what conditions; PROVIDED, HOWEVER, THAT ANY SUCH INMATE SERVING A TERM OF AT LEAST ONE YEAR FOR A FELONY CONVICTION THAT INCLUDES A VIOLATION OF SECTION ELEVEN HUNDRED NINETY-TWO OF THE VEHICLE AND TRAFFIC LAW SHALL NOT BE RELEASED ON PAROLE UNLESS THE VICTIM OR VICTIM'S REPRESENTATIVE, AS DEFINED IN SECTION TWO HUNDRED FIFTY-NINE-I OF THIS ARTICLE, SHALL HAVE BEEN CONSULTED WITH AND GIVEN A REASONABLE OPPORTUNITY TO MAKE A VICTIM IMPACT STATEMENT PURSUANT TO SECTION 440.50 OF THE CRIMINAL PROCEDURE LAW;

S 2. Subdivision 1 of section 259-c of the executive law, as added by chapter 904 of the laws of 1977 and as amended by chapter 3 of the laws of 1995, is amended to read as follows:

1. have the power and duty of determining which inmates serving an indeterminate or a reformatory or determinate sentence of imprisonment may be released on parole and when and under what conditions; PROVIDED, HOWEVER, THAT ANY SUCH INMATE SERVING A TERM OF AT LEAST ONE YEAR FOR A FELONY CONVICTION THAT INCLUDES A VIOLATION OF SECTION ELEVEN HUNDRED NINETY-TWO OF THE VEHICLE AND TRAFFIC LAW SHALL NOT BE RELEASED ON

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

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PAROLE UNLESS THE VICTIM OR VICTIM'S REPRESENTATIVE, AS DEFINED IN SECTION TWO HUNDRED FIFTY-NINE-I OF THIS ARTICLE, SHALL HAVE BEEN CONSULTED WITH AND GIVEN A REASONABLE OPPORTUNITY TO MAKE A VICTIM IMPACT STATEMENT PURSUANT TO SECTION 440.50 OF THE CRIMINAL PROCEDURE LAW;

S 3. Subdivision 1 of section 259-c of the executive law, as added by chapter 904 of the laws of 1977, is amended to read as follows:

1. have the power and duty of determining which inmates serving an indeterminate or a reformatory sentence of imprisonment may be released on parole and when and under what conditions; PROVIDED, HOWEVER, THAT ANY SUCH INMATE SERVING A TERM OF AT LEAST ONE YEAR FOR A FELONY CONVICTION THAT INCLUDES A VIOLATION OF SECTION ELEVEN HUNDRED NINETY-TWO OF THE VEHICLE AND TRAFFIC LAW SHALL NOT BE RELEASED ON PAROLE UNLESS THE VICTIM OR VICTIM'S REPRESENTATIVE, AS DEFINED IN SECTION TWO HUNDRED FIFTY-NINE-I OF THIS ARTICLE, SHALL HAVE BEEN CONSULTED WITH AND GIVEN A REASONABLE OPPORTUNITY TO MAKE A VICTIM IMPACT STATEMENT PURSUANT TO SECTION 440.50 OF THE CRIMINAL PROCEDURE LAW;

S 4. This act shall take effect immediately and shall apply to violations of section 1192 of the vehicle and traffic law committed on or after such date; provided that the amendments to subdivision 1 of section 259-c of the executive law, made by section one of this act, shall not affect the expiration of such subdivision, pursuant to chapter 55 of the laws of 1992, and shall be deemed repealed therewith, whereupon section two of this act shall take effect; provided, further, that the amendments to subdivision 1 of section 259-c of the executive law, made by section two of this act, shall not affect the repeal of such subdivision, pursuant to chapter 3 of the laws of 1995, and shall be deemed repealed therewith, whereupon section three of this act shall take effect.