

3492

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. AUBRY -- Multi-Sponsored by -- M. of A. COOK --
read once and referred to the Committee on Correction

AN ACT to amend the correction law and the executive law, in relation to
providing inmates and parolees access to pre-sentence reports that had
been prepared for sentencing

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

1 Section 1. The correction law is amended by adding a new section 608
2 to read as follows:

3 S 608. PRISONER'S RIGHT TO PRE-SENTENCE INVESTIGATION REPORTS. A STATE
4 OR LOCAL CORRECTIONAL FACILITY SHALL PROVIDE, UPON THIRTY DAYS OF A
5 WRITTEN REQUEST MADE BY AN INDIVIDUAL COMMITTED TO SUCH FACILITY, A COPY
6 OF ANY PRE-SENTENCE INVESTIGATION REPORTS TO THE INDIVIDUAL THAT HAVE
7 BEEN PREPARED PURSUANT TO SECTION 390.20 OF THE CRIMINAL PROCEDURE LAW
8 AND ARE A PART OF ITS RECORDS FOR THAT INDIVIDUAL. THE STATE OR LOCAL
9 CORRECTIONAL FACILITY SHALL EXCEPT FROM DISCLOSURE ANY PART OR PARTS OF
10 THE REPORT THAT CONTAIN THE IDENTITY OF ANY PERSONS, THE DISCLOSURE OF
11 WHICH WOULD CONSTITUTE A DANGER TO THAT PERSON, INFORMATION REGARDING
12 THE INDIVIDUAL'S MEDICAL OR MENTAL CONDITION, DISCLOSURE OF WHICH MIGHT
13 SEVERELY DISRUPT A PROGRAM OF REHABILITATION, SOURCES OF INFORMATION
14 WHICH WERE OBTAINED ON A PROMISE OF CONFIDENTIALITY, AND ANY CONFIDEN-
15 TIAL MATERIALS, USING THE SAME CONDITIONS OF CONFIDENTIALITY THAT
16 APPLIED IN CONNECTION WITH THE DISCLOSURE OF THE PRE-SENTENCE INVESTI-
17 GATION REPORT TO THE INDIVIDUAL AT THE TIME OF SENTENCING.

18 S 2. Section 259-k of the executive law is amended by adding a new
19 subdivision 5 to read as follows:

20 5. THE DIVISION SHALL PROVIDE, WITHIN THIRTY DAYS OF A WRITTEN REQUEST
21 MADE BY AN INDIVIDUAL UNDER ITS SUPERVISION, A COPY OF ANY PRE-SENTENCE
22 INVESTIGATION REPORTS TO THE INDIVIDUAL THAT HAVE BEEN PREPARED PURSUANT
23 TO SECTION 390.20 OF THE CRIMINAL PROCEDURE LAW AND ARE A PART OF ITS
24 RECORDS FOR THAT INDIVIDUAL. THE DIVISION SHALL EXCEPT FROM DISCLOSURE

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

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1 ANY PART OR PARTS OF THE REPORT THAT CONTAIN THE IDENTITY OF ANY
2 PERSONS, THE DISCLOSURE OF WHICH WOULD CONSTITUTE A DANGER TO THAT
3 PERSON, INFORMATION REGARDING THE INDIVIDUAL'S MEDICAL OR MENTAL CONDI-
4 TION, DISCLOSURE OF WHICH MIGHT SEVERELY DISRUPT A PROGRAM OF REHABILI-
5 TATION, SOURCES OF INFORMATION WHICH WERE OBTAINED ON A PROMISE OF
6 CONFIDENTIALITY, AND ANY CONFIDENTIAL MATERIALS, USING THE SAME CONDI-
7 TIONS OF CONFIDENTIALITY THAT APPLIED IN CONNECTION WITH THE DISCLOSURE
8 OF THE PRE-SENTENCE INVESTIGATION REPORT TO THE INDIVIDUAL AT THE TIME
9 OF SENTENCING.
10 S 3. This act shall take effect on the thirtieth day after it shall
11 have become a law.