

1748

2009-2010 Regular Sessions

I N S E N A T E

February 5, 2009

Introduced by Sens. STAVISKY, ADAMS, DIAZ, DUANE, HUNTLEY, ONORATO,
PARKER, SAMPSON -- read twice and ordered printed, and when printed to
be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to requiring
victims be informed of right to make victim impact statement to divi-
sion of parole and to appear at parole hearing

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

1 Section 1. Subdivision 1 of section 440.50 of the criminal procedure
2 law, as amended by chapter 186 of the laws of 2005, is amended to read
3 as follows:
4 1. [Upon the request of a victim of a crime, or in any event in all
5 cases in which the final disposition includes a conviction of a violent
6 felony offense as defined in section 70.02 of the penal law or a felony
7 defined in article one hundred twenty-five of such law, the] THE
8 district attorney shall, within sixty days of the final disposition of
9 the case, inform the victim by letter of such final disposition. If such
10 final disposition results in the commitment of the defendant to the
11 custody of the department of correctional services for an indeterminate
12 sentence, the notice provided to the crime victim shall also inform the
13 victim of his or her right to submit a written, audiotaped, or vide-
14 otaped victim impact statement to the state division of parole or to
15 [meet] personally [with a member of the state board of parole] APPEAR at
16 [a time and place separate from] the personal interview between a member
17 or members of the board and the inmate and make such a statement,
18 subject to procedures and limitations contained in rules of the board,
19 both pursuant to subdivision two of section two hundred fifty-nine-i of
20 the executive law. The right of the victim under this subdivision to
21 submit a written victim impact statement or to meet personally with a
22 member of the state board of parole applies to each personal interview
23 between a member or members of the board and the inmate.
24 S 2. This act shall take effect immediately.

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

LBD04512-01-9