

1380

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DESTITO, MAYERSOHN, GALEF, MARKEY -- Multi-Sponsored by -- M. of A. KOON, LUPARDO, PEOPLES-STOKES -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, the criminal procedure law and the family court act, in relation to reporting requirements of the crime victims board and to repeal subdivision 3 of section 631-a of the executive law relating thereto

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

1 Section 1. Subdivision 20 of section 623 of the executive law, as
2 added by chapter 688 of the laws of 1985, paragraph (a) as amended by
3 chapter 418 of the laws of 1986, is amended to read as follows:
4 20. To render each year to the governor and to the legislature, on or
5 before December first of each year, a written report on the board's
6 activities including, but not limited to, specific information on each
7 of the subdivisions of this section[, and the manner in which the
8 rights, needs and interests of crime victims are being addressed by the
9 state's criminal justice system. Such report shall also include, but not
10 be limited to:
11 (a) Information transmitted by the state division of probation and
12 correctional alternatives under subdivision five of section 390.30 of
13 the criminal procedure law and subdivision seven of section 351.1 of the
14 family court act which the board shall compile, review and make recommendations on how to promote the use of restitution and encourage its
15 enforcement.
16 (b) Information relating to the implementation of and compliance with
17 article twenty-three of this chapter by the criminal justice agencies
18 and the "crime victim-related agencies" of the state]. SUCH REPORT
19 SHALL ALSO INCLUDE BUT NOT BE LIMITED TO INFORMATION REGARDING CRIME
20 VICTIM SERVICE PROGRAMS, INCLUDING:
21

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

1 (A) THE PROGRAMS FUNDED BY THE BOARD;

2 (B) OTHER SOURCES OF FUNDING FOR CRIME VICTIMS SERVICE PROGRAMS;

3 (C) AN ASSESSMENT OF THE ADEQUACY OF THE CURRENT LEVEL OF APPROPRI-
4 ATION TO THE BOARD TO MEET THE REASONABLE NEEDS OF CRIME VICTIM SERVICE
5 PROGRAMS FOR FUNDING UNDER SECTION SIX HUNDRED THIRTY-ONE-A OF THIS
6 ARTICLE; AND

7 (D) AN ESTIMATE OF THE REASONABLE NEEDS OF PROGRAMS IN THE NEXT FISCAL
8 YEAR.

9 S 2. Subdivisions 21 and 22 of section 623 of the executive law are
10 renumbered subdivisions 22 and 23 and a new subdivision 21 is added to
11 read as follows:

12 21. TO RENDER BIENNIALLY TO THE GOVERNOR AND THE LEGISLATURE A WRITTEN
13 REPORT ON THE MANNER IN WHICH THE RIGHTS, NEEDS AND INTERESTS OF CRIME
14 VICTIMS ARE BEING ADDRESSED BY THE STATE'S CRIMINAL JUSTICE SYSTEM TO
15 INCLUDE, BUT NOT BE LIMITED TO:

16 (A) INFORMATION TRANSMITTED BY THE STATE DIVISION OF PROBATION AND
17 CORRECTIONAL ALTERNATIVES UNDER SUBDIVISION FIVE OF SECTION 390.30 OF
18 THE CRIMINAL PROCEDURE LAW AND SUBDIVISION SEVEN OF SECTION 351.1 OF THE
19 FAMILY COURT ACT WHICH THE BOARD SHALL COMPILE, REVIEW AND MAKE RECOM-
20 MENDATIONS ON HOW TO PROMOTE THE USE OF RESTITUTION AND ENCOURAGE ITS
21 ENFORCEMENT.

22 (B) INFORMATION RELATING TO THE IMPLEMENTATION OF AND COMPLIANCE WITH
23 ARTICLE TWENTY-THREE OF THIS CHAPTER BY THE CRIMINAL JUSTICE AGENCIES
24 AND THE "CRIME VICTIM-RELATED AGENCIES" OF THE STATE.

25 S 3. Subdivision 3 of section 631-a of the executive law is REPEALED.

26 S 4. Subdivision 5 of section 390.30 of the criminal procedure law, as
27 added by chapter 14 of the laws of 1985, is amended to read as follows:

28 5. Information to be forwarded to the state division of probation AND
29 CORRECTIONAL ALTERNATIVES. Investigating agencies under this article
30 shall be responsible for the collection, and transmission to the state
31 division of probation AND CORRECTIONAL ALTERNATIVES, of data on the
32 number of victim impact statements prepared[, pursuant to regulations of
33 the division]. Such information shall be transmitted ANNUALLY to the
34 crime victims board and included in the board's [annual] BIENNIAL report
35 pursuant to subdivision [twenty] TWENTY-ONE of section six hundred twen-
36 ty-three of the executive law.

37 S 5. Subdivision 7 of section 351.1 of the family court act, as added
38 by chapter 418 of the laws of 1986, is amended to read as follows:

39 7. The probation services which prepare the investigation reports
40 shall be responsible for the collection and transmission to the state
41 division of probation and correctional alternatives, of data on the
42 number of victim impact statements prepared[, pursuant to regulations of
43 the division]. Such information shall be transmitted ANNUALLY to the
44 crime victims board and included in the board's [annual] BIENNIAL report
45 pursuant to subdivision [twenty] TWENTY-ONE of section six hundred twen-
46 ty-three of the executive law.

47 S 6. This act shall take effect immediately.