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

2950

2009-2010 Regular Sessions

I N A S S E M B L Y

January 22, 2009

Introduced by M. of A. O'DONNELL, AUBRY, DESTITO, BRADLEY, EDDINGTON, CLARK, GABRYSZAK -- Multi-Sponsored by -- M. of A. ALFANO, BING, CUSICK, DelMONTE, ENGLEBRIGHT, GOTTFRIED, JOHN, KOON, LIFTON, MAGNARELLI, McENENY, PAULIN, PHEFFER, REILLY, SALADINO, WALKER -- read once and referred to the Committee on Codes

AN ACT to amend the executive law, in relation to requiring the division of criminal justice services to contract with independent, outside, academic institutions to conduct two separate studies

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

Section 1. Paragraph (f) of subdivision 4 of section 837 of the executive law, as amended by chapter 169 of the laws of 1994, is amended and two new paragraphs (g) and (h) are added to read as follows:

(f) Accomplish all of the functions, powers, and duties set forth in paragraphs (a), (b), (c) and (d) of this subdivision with respect to the processing and disposition of cases involving violent felony offenses specified in subdivision one of section 70.02 of the penal law[.]; AND

(G) THE DIVISION SHALL CONTRACT WITH AN OUTSIDE ACADEMIC INSTITUTION WITH KNOWLEDGE AND RESEARCH EXPERTISE IN CRIMINAL JUSTICE POLICY ISSUES TO CONDUCT A RESEARCH STUDY TO ASSESS THE IMPACT OF NEW YORK STATE'S SEXUAL OFFENDER REGISTRATION ACT ON THE RECIDIVISM OF SEX OFFENDERS. SUCH RESEARCH STUDY SHALL INCLUDE, BUT NOT BE LIMITED TO:

(I) DISCRETE ANALYSES OF RECIDIVISM RATES FOR RISK LEVELS ONE, TWO AND THREE REGISTRANTS;

(II) ANALYSIS OF RECIDIVISM IN RELATION TO THE NATURE OF THE SENTENCE IMPOSED;

(III) ANALYSIS OF RECIDIVISM IN RELATION TO EACH OF THE FOLLOWING: TYPE OF OFFENSE, NATURE OF THE VICTIM-OFFENDER RELATIONSHIP, OFFENDER RELATIONSHIP WITH FAMILY MEMBERS, OFFENDER EMPLOYMENT HISTORY, PLACE AND DURATION OF RESIDENCE, OFFENDER MENTAL HEALTH AND OFFENDER USE OF DRUGS/ALCOHOL; AND

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

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(IV) ANALYSIS OF THE VALIDITY AND RELIABILITY OF THE NEW YORK RISK ASSESSMENT GUIDELINES CURRENTLY USED BY THE BOARD OF EXAMINERS OF SEX OFFENDERS, PURSUANT TO SECTION ONE HUNDRED SIXTY-EIGHT-L OF THE CORRECTION LAW.

THE DIVISION SHALL REPORT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY ON AN ANNUAL BASIS CONCERNING THE RESULTS OF THE STUDY PROVIDED FOR IN THIS PARAGRAPH; AND

(H) THE DIVISION SHALL CONTRACT WITH AN OUTSIDE ACADEMIC INSTITUTION WITH KNOWLEDGE AND EXPERTISE IN THE MANAGEMENT AND TREATMENT OF SEX OFFENDERS TO CONDUCT A STUDY TO ASSESS THE EFFECTIVENESS OF VARIOUS METHODS OF SEX OFFENDER TREATMENT. SUCH STUDY SHALL INCLUDE, BUT NOT BE LIMITED TO:

(I) SURVEY AND ASSESSMENT OF EFFECTIVENESS OF TREATMENT PROGRAMS USED WITH SEX OFFENDERS CONFINED IN DEPARTMENT CORRECTIONAL FACILITIES;

(II) SURVEY AND ASSESSMENT OF EFFECTIVENESS OF TYPES OF SEX OFFENDER TREATMENT USED IN OTHER JURISDICTIONS;

(III) ANALYSIS OF THE IMPACT OF THE DURATION OF TREATMENT AND TYPE OF SENTENCE ON THE EFFECTIVENESS OF TREATMENT; AND

(IV) SURVEY AND ASSESSMENT OF EFFECTIVENESS OF TREATMENT PROGRAMS USED WITH SEX OFFENDERS WHO ARE SUPERVISED BY THE STATE DIVISION OF PAROLE OR LOCAL DEPARTMENTS OF PROBATION.

THE DIVISION SHALL REPORT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY ON AN ANNUAL BASIS CONCERNING THE RESULTS OF THE STUDY PROVIDED FOR IN THIS PARAGRAPH.

S 2. This act shall take effect immediately.