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2009-2010 Regular Sessions

I N   S E N A T E

January 9, 2009

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Introduced by Sen. MARCELLINO -- read twice and ordered printed, and  
when printed to be committed to the Committee on Crime Victims, Crime  
and Correction

AN ACT to amend the executive law, in relation to notification of  
certain persons upon the conditional release of an inmate convicted of  
a crime against a member of the same family or household

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

1     Section 1.     Subdivision 2 of section 259-c of the executive law, as  
2 amended by section 7 of part E of chapter 62 of the laws of 2003, is  
3 amended to read as follows:  
4     2. have the power and duty of determining the conditions of release of  
5 the person who may be presumptively released, conditionally released or  
6 subject to a period of post-release supervision under an indeterminate  
7 or determinate sentence of imprisonment. WHERE AN INMATE TO BE CONDI-  
8 TIONALLY RELEASED WAS CONVICTED OF A CRIME AND THE VICTIM IS OR WAS A  
9 MEMBER OF THE SAME FAMILY OR HOUSEHOLD AS THE INMATE IT SHALL BE THE  
10 DUTY OF THE BOARD AT LEAST ONE WEEK PRIOR TO THE RELEASE TO NOTIFY THE  
11 VICTIM OR VICTIMS OF SUCH OFFENSE, UNLESS THE VICTIM REFUSES OR HIS OR  
12 HER WHEREABOUTS ARE UNKNOWN, THAT THE INMATE IS BEING RELEASED AND OF  
13 THE CONDITIONS OF SUCH RELEASE. SUCH NOTIFICATION SHALL BE SENT BY  
14 CERTIFIED MAIL TO THE LAST KNOWN ADDRESS OF THE VICTIM OR VICTIMS. WHEN  
15 SUCH ADDRESS IS A SHELTER FOR VICTIMS OF DOMESTIC ABUSE NOTICE SHALL  
16 ALSO BE GIVEN TO THE DIRECTOR OR ADMINISTRATOR OF SUCH SHELTER. FOR  
17 PURPOSES OF THIS SUBDIVISION, "MEMBERS OF THE SAME FAMILY OR HOUSEHOLD"  
18 SHALL MEAN THE FOLLOWING:  
19     (A) PERSONS RELATED BY CONSANGUINITY OR AFFINITY;  
20     (B) PERSONS LEGALLY MARRIED TO ONE ANOTHER;  
21     (C) PERSONS FORMERLY MARRIED TO ONE ANOTHER;  
22     (D) PERSONS WHO HAVE A CHILD IN COMMON, REGARDLESS WHETHER SUCH  
23 PERSONS HAVE BEEN MARRIED OR HAVE LIVED TOGETHER AT ANY TIME;

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

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1 S 2. Subdivision 2 of section 259-c of the executive law, as separate-  
2 ly amended by chapter 904 of the laws of 1977 and chapter 1 of the laws  
3 of 1998, is amended to read as follows:  
4 2. have the power and duty of determining the conditions of release of  
5 the person who may be conditionally released or subject to a period of  
6 post-release supervision under an indeterminate or reformatory sentence  
7 of imprisonment and of determining which inmates serving a definite  
8 sentence of imprisonment may be conditionally released and when and  
9 under what conditions. WHERE AN INMATE TO BE CONDITIONALLY RELEASED WAS  
10 CONVICTED OF A CRIME AND THE VICTIM IS OR WAS A MEMBER OF THE SAME FAMI-  
11 LY OR HOUSEHOLD AS THE INMATE IT SHALL BE THE DUTY OF THE BOARD AT LEAST  
12 ONE WEEK PRIOR TO THE RELEASE TO NOTIFY THE VICTIM OR VICTIMS OF SUCH  
13 OFFENSE, UNLESS THE VICTIM REFUSES OR HIS OR HER WHEREABOUTS ARE  
14 UNKNOWN, THAT THE INMATE IS BEING RELEASED AND OF THE CONDITIONS OF SUCH  
15 RELEASE. SUCH NOTIFICATION SHALL BE SENT BY CERTIFIED MAIL TO THE LAST  
16 KNOWN ADDRESS OF THE VICTIM OR VICTIMS. WHEN SUCH ADDRESS IS A SHELTER  
17 FOR VICTIMS OF DOMESTIC ABUSE NOTICE SHALL ALSO BE GIVEN TO THE DIRECTOR  
18 OR ADMINISTRATOR OF SUCH SHELTER. FOR PURPOSES OF THIS SUBDIVISION,  
19 "MEMBERS OF THE SAME FAMILY OR HOUSEHOLD" SHALL MEAN THE FOLLOWING:  
20 (A) PERSONS RELATED BY CONSANGUINITY OR AFFINITY;  
21 (B) PERSONS LEGALLY MARRIED TO ONE ANOTHER;  
22 (C) PERSONS FORMERLY MARRIED TO ONE ANOTHER;  
23 (D) PERSONS WHO HAVE A CHILD IN COMMON, REGARDLESS WHETHER SUCH  
24 PERSONS HAVE BEEN MARRIED OR HAVE LIVED TOGETHER AT ANY TIME;  
25 S 3. This act shall take effect on the sixtieth day after it shall  
26 have become a law; provided that the amendments to subdivision 2 of  
27 section 259-c of the executive law, made by section one of this act,  
28 shall not affect the expiration and reversion of such subdivision and  
29 shall expire therewith, when upon such date the provisions of section  
30 two of this act shall take effect; and shall apply to all inmates condi-  
31 tionally released on or after the effective date of this act.