

S T A T E   O F   N E W   Y O R K

---

1966--A

2011-2012 Regular Sessions

I N   S E N A T E

January 14, 2011

---

Introduced by Sens. MARCELLINO, GOLDEN, JOHNSON, LARKIN, MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 2 of section 259-c of the executive law, as  
2     amended by section 38-b of subpart A of part C of chapter 62 of the laws  
3     of 2011, 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 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 ELEC-  
14    TRONIC MAIL WHEN THE ELECTRONIC MAIL ADDRESS OF THE VICTIM OR VICTIMS IS  
15    AVAILABLE, AND WHEN IT IS NOT, BY CERTIFIED MAIL TO THE LAST KNOWN  
16    ADDRESS OF THE VICTIM OR VICTIMS. WHEN SUCH ADDRESS IS A SHELTER FOR  
17    VICTIMS OF DOMESTIC ABUSE NOTICE SHALL ALSO BE GIVEN TO THE DIRECTOR OR  
18    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;

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

LBD04407-02-1

1 (B) PERSONS LEGALLY MARRIED TO ONE ANOTHER;

2 (C) PERSONS FORMERLY MARRIED TO ONE ANOTHER;

3 (D) PERSONS WHO HAVE A CHILD IN COMMON, REGARDLESS OF WHETHER SUCH  
4 PERSONS HAVE BEEN MARRIED OR HAVE LIVED TOGETHER AT ANY TIME;

5 S 2. Subdivision 2 of section 259-c of the executive law, as separate-  
6 ly amended by chapter 904 of the laws of 1977 and chapter 1 of the laws  
7 of 1998, is amended to read as follows:

8 2. have the power and duty of determining the conditions of release of  
9 the person who may be conditionally released or subject to a period of  
10 post-release supervision under an indeterminate or reformatory sentence  
11 of imprisonment and of determining which inmates serving a definite  
12 sentence of imprisonment may be conditionally released and when and  
13 under what conditions. WHERE AN INMATE TO BE CONDITIONALLY RELEASED WAS  
14 CONVICTED OF A CRIME AND THE VICTIM IS OR WAS A MEMBER OF THE SAME FAMI-  
15 LY OR HOUSEHOLD AS THE INMATE IT SHALL BE THE DUTY OF THE BOARD AT LEAST  
16 ONE WEEK PRIOR TO THE RELEASE TO NOTIFY THE VICTIM OR VICTIMS OF SUCH  
17 OFFENSE, UNLESS THE VICTIM REFUSES OR HIS OR HER WHEREABOUTS ARE  
18 UNKNOWN, THAT THE INMATE IS BEING RELEASED AND OF THE CONDITIONS OF SUCH  
19 RELEASE. SUCH NOTIFICATION SHALL BE SENT BY ELECTRONIC MAIL WHEN THE  
20 ELECTRONIC MAIL ADDRESS OF THE VICTIM OR VICTIMS IS AVAILABLE, AND WHEN  
21 IT IS NOT, BY CERTIFIED MAIL TO THE LAST KNOWN ADDRESS OF THE VICTIM OR  
22 VICTIMS. WHEN SUCH ADDRESS IS A SHELTER FOR VICTIMS OF DOMESTIC ABUSE  
23 NOTICE SHALL ALSO BE GIVEN TO THE DIRECTOR OR ADMINISTRATOR OF SUCH  
24 SHELTER. FOR PURPOSES OF THIS SUBDIVISION, "MEMBERS OF THE SAME FAMILY  
25 OR HOUSEHOLD" SHALL MEAN THE FOLLOWING:

26 (A) PERSONS RELATED BY CONSANGUINITY OR AFFINITY;

27 (B) PERSONS LEGALLY MARRIED TO ONE ANOTHER;

28 (C) PERSONS FORMERLY MARRIED TO ONE ANOTHER;

29 (D) PERSONS WHO HAVE A CHILD IN COMMON, REGARDLESS OF WHETHER SUCH  
30 PERSONS HAVE BEEN MARRIED OR HAVE LIVED TOGETHER AT ANY TIME;

31 S 3. This act shall take effect on the sixtieth day after it shall  
32 have become a law; provided that the amendments to subdivision 2 of  
33 section 259-c of the executive law, made by section one of this act,  
34 shall not affect the expiration and reversion of such subdivision and  
35 shall expire therewith, when upon such date the provisions of section  
36 two of this act shall take effect; and shall apply to all inmates condi-  
37 tionally released on or after the effective date of this act.