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

3456

2011-2012 Regular Sessions

I N A S S E M B L Y

January 25, 2011

Introduced by M. of A. GABRYSZAK -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law and the executive law, in relation to the rights of a crime victim at parole proceedings

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

Section 1. Subdivision 1 of section 440.50 of the criminal procedure law, as amended by chapter 186 of the laws of 2005, is amended to read as follows:

1. Upon the request of a victim of a crime, or in any event in all cases in which the final disposition includes a conviction of a violent felony offense as defined in section 70.02 of the penal law or a felony defined in article one hundred twenty-five of such law, the district attorney shall, within sixty days of the final disposition of the case, inform the victim by letter of such final disposition. If such final disposition results in the commitment of the defendant to the custody of the department of correctional services for an indeterminate sentence, the notice provided to the crime victim shall also inform the victim of his or her right to [submit a written, audiotaped, or videotaped victim impact statement to the state division of parole or to meet personally with a member of the state board of parole at a time and place separate from the personal interview between a member or members of the board and the inmate and make such a statement, subject to procedures and limitations contained in rules of the board, both] BE PRESENT AT PROCEEDINGS OF THE STATE DIVISION OF PAROLE REGARDING RELEASE OF SUCH DEFENDANT. THE VICTIMS SHALL ALSO BE NOTIFIED OF THEIR RIGHT TO PROVIDE AN ORAL OR WRITTEN STATEMENT OR BOTH AT PROCEEDINGS OF THE BOARD, INCLUDING THE PERSONAL INTERVIEW OF THE INMATE, AND THAT THEY WILL ALSO BE PROVIDED THE OPPORTUNITY TO PRESENT THEIR VIEWS IN PERSON TO THE SAME MEMBER OF THE BOARD WHO CONDUCTED THE INTERVIEW WITH THE INMATE AT A MUTUALLY CONVENIENT LOCATION PRIOR TO THE DETERMINATION OF THE BOARD pursuant to

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

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subdivision two of section two hundred fifty-nine-i of the executive law. The right of the victim under this subdivision to submit a written victim impact statement or to meet personally with a member of the state board of parole applies to each personal interview between a member or members of the board and the inmate.

S 2. Paragraphs (d), (e), (f) and (g) of subdivision 2 of section 646-a of the executive law are relettered paragraphs (e), (f), (g) and (h) and a new paragraph (d) is added to read as follows:

(D) THE RIGHTS OF CRIME VICTIMS TO BE PRESENT AT THE PROCEEDINGS OF THE STATE DIVISION OF PAROLE REGARDING RELEASE OF THE DEFENDANT AS PROVIDED IN SECTION 440.50 OF THE CRIMINAL PROCEDURE LAW;

S 3. This act shall take effect immediately.