

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

5433--B

2011-2012 Regular Sessions

I N A S S E M B L Y

February 18, 2011

Introduced by M. of A. DenDEKKER, N. RIVERA, GALEF, MONTESANO, MARKEY, ROBINSON, CASTRO, WEPRIN, REILLY, JAFFEE, COLTON, M. MILLER -- Multi-Sponsored by -- M. of A. ABBATE, BOYLAND, BURLING, CALHOUN, CERETTO, CROUCH, GIBSON, GOTTFRIED, JEFFRIES, McDONOUGH, McENENY, McKEVITT, MURRAY, RAIA, SALADINO, SCARBOROUGH, SCHIMEL, TENNEY -- read once and referred to the Committee on Governmental Operations -- reference changed to the Committee on Correction -- recommitted to the Committee on Correction in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law and the criminal procedure law, in relation to enabling victims to view parole hearings via closed circuit television or a secure online website

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

- 1 Section 1. Section 259-c of the executive law is amended by adding a
2 new subdivision 18 to read as follows:
3 18. PERMIT VICTIMS AND RELATIVES OF VICTIMS TO VIEW AN INMATE'S PAROLE
4 HEARING RELATING TO THEIR CASE VIA CLOSED CIRCUIT TELEVISION OR A SECURE
5 ONLINE WEBSITE.
6 S 2. Subdivision 3 of section 641 of the executive law, as added by
7 chapter 94 of the laws of 1984 and paragraph (d) as amended by chapter
8 618 of the laws of 1992, is amended to read as follows:
9 3. Ensure notification of victims, witnesses, relatives of those
10 victims and witnesses who are minors, and relatives of homicide victims,
11 if such persons provide the appropriate official with a current address
12 and telephone number, either by phone or by mail, if possible, of judi-
13 cial proceedings relating to their case, including:
14 (a) the arrest of an accused;
15 (b) the initial appearance of an accused before a judicial officer;

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

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1 (c) the release of an accused pending judicial proceedings; [and]

2 (d) proceedings in the prosecution of the accused including entry of a
3 plea of guilty, trial, sentencing, but prior to sentencing specific
4 information shall be provided regarding the right to seek restitution
5 and reparation, and where a term of imprisonment is imposed, specific
6 information shall be provided regarding maximum and minimum terms of
7 such imprisonment; AND

8 (E) THE DATE AND TIME OF ANY PAROLE HEARING AS WELL AS THE LOCATION AT
9 WHICH THE VICTIM AND RELATIVES OF THE VICTIM MAY VIEW THE HEARING ON
10 CLOSED CIRCUIT TELEVISION OR THE SECURE ONLINE WEBSITE ON WHICH THE
11 HEARING MAY BE VIEWED.

12 S 3. Subdivision 1 of section 440.50 of the criminal procedure law, as
13 amended by section 80 of subpart B of part C of chapter 62 of the laws
14 of 2011, is amended to read as follows:

15 1. Upon the request of a victim of a crime, or in any event in all
16 cases in which the final disposition includes a conviction of a violent
17 felony offense as defined in section 70.02 of the penal law or a felony
18 defined in article one hundred twenty-five of such law, the district
19 attorney shall, within sixty days of the final disposition of the case,
20 inform the victim by letter of such final disposition. If such final
21 disposition results in the commitment of the defendant to the custody of
22 the department of corrections and community supervision for an indeter-
23 minate sentence, the notice provided to the crime victim shall also
24 inform the victim of his or her right to submit a written, audiotaped,
25 or videotaped victim impact statement to the department of corrections
26 and community supervision or to meet personally with a member of the
27 state board of parole at a time and place separate from the personal
28 interview between a member or members of the board and the inmate and
29 make such a statement, subject to procedures and limitations contained
30 in rules of the board, both pursuant to subdivision two of section two
31 hundred fifty-nine-i of the executive law. The right of the victim under
32 this subdivision to submit a written victim impact statement or to meet
33 personally with a member of the state board of parole applies to each
34 personal interview between a member or members of the board and the
35 inmate. THE NOTICE TO THE VICTIM SHALL ALSO INFORM THE VICTIM OF HIS OR
36 HER RIGHT TO VIEW THE DEFENDANT'S PAROLE HEARING ON CLOSED CIRCUIT TELE-
37 VISION OR OVER A SECURE ONLINE WEBSITE AND SHALL INFORM THE VICTIM OF
38 THE INTENDED DATE AND TIME OF THE PAROLE HEARING AS WELL AS THE LOCATION
39 OR WEBSITE ADDRESS AT WHICH THE VICTIM MAY VIEW THE HEARING.

40 S 4. This act shall take effect immediately.