

5811

2011-2012 Regular Sessions

I N A S S E M B L Y

March 1, 2011

Introduced by M. of A. DESTITO -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, the criminal procedure law and the family court act, in relation to reporting requirements of the crime victims board and to repeal subdivision 5 of section 390.30 of the criminal procedure law relating thereto

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

1 Section 1. Subdivision 20 of section 623 of the executive law, as
2 amended by section 8 of part A-1 of chapter 56 of the laws of 2010,
3 paragraph (a) as separately amended by sections 37 and 71 of part A and
4 section 8 of part A-1 of chapter 56 of the laws of 2010, is amended to
5 read as follows:

6 20. To render each year to the governor and to the legislature, on or
7 before December first of each year, a written report on the office's
8 activities including, but not limited to, specific information on each
9 of the subdivisions of this section[, and the manner in which the
10 rights, needs and interests of crime victims are being addressed by the
11 state's criminal justice system. Such report shall also include, but not
12 be limited to:

13 (a) Information transmitted by the office of probation and correction-
14 al alternatives under subdivision five of section 390.30 of the criminal
15 procedure law and subdivision seven of section 351.1 of the family court
16 act which the office shall compile, review and make recommendations on
17 how to promote the use of restitution and encourage its enforcement.

18 (b) Information relating to the implementation of and compliance with
19 article twenty-three of this chapter by the criminal justice agencies
20 and the "crime victim-related agencies" of the state]. Such report shall
21 also include but not be limited to information regarding crime victim
22 service programs, including:

23 (1) the programs funded by the office;

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

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1 (2) other sources of funding for crime victims service programs;
2 (3) an assessment of the adequacy of the current level of appropri-
3 ation to the office to meet the reasonable needs of crime victims
4 service programs for funding under section six hundred thirty-one-a of
5 this article; and

6 (4) an estimate of the reasonable needs of programs in the next fiscal
7 year.

8 S 2. Subdivisions 21 and 22 of section 623 of the executive law are
9 renumbered subdivisions 22 and 23 and a new subdivision 21 is added to
10 read as follows:

11 21. TO RENDER BIENNIALLY TO THE GOVERNOR AND THE LEGISLATURE A WRITTEN
12 REPORT ON THE MANNER IN WHICH THE RIGHTS, NEEDS AND INTERESTS OF CRIME
13 VICTIMS ARE BEING ADDRESSED BY THE STATE'S CRIMINAL JUSTICE SYSTEM TO
14 INCLUDE, BUT NOT BE LIMITED TO:

15 (A) INFORMATION TRANSMITTED BY THE STATE OFFICE OF PROBATION AND
16 CORRECTIONAL ALTERNATIVES UNDER SUBDIVISION FIVE OF SECTION 390.30 OF
17 THE CRIMINAL PROCEDURE LAW AND SUBDIVISION SEVEN OF SECTION 351.1 OF THE
18 FAMILY COURT ACT WHICH THE BOARD SHALL COMPILE, REVIEW AND MAKE RECOM-
19 MENDATIONS ON HOW TO PROMOTE THE USE OF RESTITUTION AND ENCOURAGE ITS
20 ENFORCEMENT.

21 (B) INFORMATION RELATING TO THE IMPLEMENTATION OF AND COMPLIANCE WITH
22 ARTICLE TWENTY-THREE OF THIS CHAPTER BY THE CRIMINAL JUSTICE AGENCIES
23 AND THE "CRIME VICTIM-RELATED AGENCIES" OF THE STATE.

24 S 3. Subdivision 5 of section 390.30 of the criminal procedure law, as
25 amended by section 50 of part A of chapter 56 of the laws of 2010, is
26 REPEALED.

27 S 4. Subdivision 5 of section 390.30 of the criminal procedure law, as
28 amended by section 29 of part A-1 of chapter 56 of the laws of 2010, is
29 amended to read as follows:

30 5. Information to be forwarded to the state [division] OFFICE of
31 probation and correctional alternatives. Investigating agencies under
32 this article shall be responsible for the collection, and transmission
33 to the state [division] OFFICE of probation and correctional alterna-
34 tives, of data on the number of victim impact statements prepared. Such
35 information shall be transmitted annually to the office of victim
36 services and included in the office's [annual] BIENNIAL report pursuant
37 to subdivision [twenty] TWENTY-ONE of section six hundred twenty-three
38 of the executive law.

39 S 5. Subdivision 7 of section 351.1 of the family court act, as sepa-
40 rately amended by section 54 of part A and sections 3 and 30 of part A-1
41 of chapter 56 of the laws of 2010, is amended to read as follows:

42 7. The probation services which prepare the investigation reports
43 shall be responsible for the collection and transmission to the office
44 of probation and correctional alternatives, of data on the number of
45 victim impact statements prepared. Such information shall be transmitted
46 annually to the office of victim services and included in the office's
47 [annual] BIENNIAL report pursuant to subdivision [twenty] TWENTY-ONE of
48 section six hundred twenty-three of the executive law.

49 S 6. This act shall take effect immediately.