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

9025

I N A S S E M B L Y

January 17, 2012

Introduced by M. of A. ENGLEBRIGHT -- 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 office of victim services 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:

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

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

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

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

(1) the programs funded by the office;

(2) other sources of funding for crime victims service programs;

(3) an assessment of the adequacy of the current level of appropriation to the office to meet the reasonable needs of crime victims

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

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service programs for funding under section six hundred thirty-one-a of this article; and

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

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

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

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

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

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

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

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

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

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

S 6. This act shall take effect immediately.