

1781

2011-2012 Regular Sessions

I N   S E N A T E

January 12, 2011

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Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to requiring victims be informed of right to make victim impact statement to division of parole and to appear at parole hearing

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

1     Section 1. Subdivision 1 of section 440.50 of the criminal procedure  
2 law, as amended by chapter 186 of the laws of 2005, is amended to read  
3 as follows:  
4     1. [Upon the request of a victim of a crime, or in any event in all  
5 cases in which the final disposition includes a conviction of a violent  
6 felony offense as defined in section 70.02 of the penal law or a felony  
7 defined in article one hundred twenty-five of such law, the] THE  
8 district attorney shall, within sixty days of the final disposition of  
9 the case, inform the victim by letter of such final disposition. If such  
10 final disposition results in the commitment of the defendant to the  
11 custody of the department of correctional services for an indeterminate  
12 sentence, the notice provided to the crime victim shall also inform the  
13 victim of his or her right to submit a written, audiotaped, or vide-  
14 otaped victim impact statement to the state division of parole or to  
15 [meet] personally [with a member of the state board of parole] APPEAR at  
16 [a time and place separate from] the personal interview between a member  
17 or members of the board and the inmate and make such a statement,  
18 subject to procedures and limitations contained in rules of the board,  
19 both pursuant to subdivision two of section two hundred fifty-nine-i of  
20 the executive law. The right of the victim under this subdivision to  
21 submit a written victim impact statement or to meet personally with a  
22 member of the state board of parole applies to each personal interview  
23 between a member or members of the board and the inmate.  
24     S 2. This act shall take effect immediately.

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

LBD06334-01-1