

7581

I N S E N A T E

May 15, 2014

Introduced by Sen. ESPAILLAT -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

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:

- 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 of
4 chapter 56 of the laws of 2010, is amended to read as follows:
5 20. To render each year to the governor and to the legislature, on or
6 before December first of each year, a written report on the office's
7 activities including, but not limited to, specific information on each
8 of the subdivisions of this section[, and the manner in which the
9 rights, needs and interests of crime victims are being addressed by the
10 state's criminal justice system. Such report shall also include, but not
11 be limited to:
12 (a) Information transmitted by the office of probation and correction-
13 al alternatives under subdivision five of section 390.30 of the criminal
14 procedure law and subdivision seven of section 351.1 of the family court
15 act which the office shall compile, review and make recommendations on
16 how to promote the use of restitution and encourage its enforcement.
17 (b) Information relating to the implementation of and compliance with
18 article twenty-three of this chapter by the criminal justice agencies
19 and the "crime victim-related agencies" of the state]. Such report shall
20 also include but not be limited to information regarding crime victim
21 service programs, including:
22 (1) the programs funded by the office;
23 (2) other sources of funding for crime victims service programs;
24 (3) an assessment of the adequacy of the current level of appropri-
25 ation 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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1 service programs for funding under section six hundred thirty-one-a of
2 this article; and

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

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

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

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

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

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

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

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

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

46 S 6. This act shall take effect immediately.