

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

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 section 80 of subpart B of part C of chapter 62 of
3 the laws of 2011, is amended to read 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 corrections and community supervision for
12 an indeterminate sentence, the notice provided to the crime victim shall
13 also inform the victim of his or her right to submit a written, audio-
14 taped, or videotaped victim impact statement to the department of
15 corrections and community supervision or to [meet] personally [with a
16 member of the state board of parole] APPEAR at [a time and place sepa-
17 rate from] the personal interview between a member or members of the
18 board and the inmate and make such a statement, subject to procedures
19 and limitations contained in rules of the board, both pursuant to subdi-
20 vision two of section two hundred fifty-nine-i of the executive law. The
21 right of the victim under this subdivision to submit a written victim
22 impact statement or to meet personally with a member of the state board
23 of parole applies to each personal interview between a member or members
24 of the board and the inmate.
25 S 2. This act shall take effect immediately.

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