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

449

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

Introduced by Sen. MARCELLINO -- 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, in relation to notification of certain persons upon the conditional release of an inmate convicted of a crime against a member of the same family or household

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

Section 1. Subdivision 2 of section 259-c of the executive law, as amended by section 38-b of subpart A of part C of chapter 62 of the laws of 2011, is amended to read as follows:

2. have the power and duty of determining the conditions of release of the person who may be presumptively released, conditionally released or subject to a period of post-release supervision under an indeterminate or determinate sentence of imprisonment. WHERE AN INMATE TO BE CONDITIONALLY RELEASED WAS CONVICTED OF A CRIME AND THE VICTIM IS OR WAS A MEMBER OF THE SAME FAMILY OR HOUSEHOLD AS THE INMATE IT SHALL BE THE DUTY OF THE BOARD AT LEAST ONE WEEK PRIOR TO THE RELEASE TO NOTIFY THE VICTIM OR VICTIMS OF SUCH OFFENSE, UNLESS THE VICTIM REFUSES OR HIS OR HER WHEREABOUTS ARE UNKNOWN, THAT THE INMATE IS BEING RELEASED AND OF THE CONDITIONS OF SUCH RELEASE. SUCH NOTIFICATION SHALL BE SENT BY ELECTRONIC MAIL WHEN THE ELECTRONIC MAIL ADDRESS OF THE VICTIM OR VICTIMS IS AVAILABLE, AND WHEN IT IS NOT, BY CERTIFIED MAIL TO THE LAST KNOWN ADDRESS OF THE VICTIM OR VICTIMS. WHEN SUCH ADDRESS IS A SHELTER FOR VICTIMS OF DOMESTIC ABUSE NOTICE SHALL ALSO BE GIVEN TO THE DIRECTOR OR ADMINISTRATOR OF SUCH SHELTER. FOR PURPOSES OF THIS SUBDIVISION, "MEMBERS OF THE SAME FAMILY OR HOUSEHOLD" SHALL MEAN THE FOLLOWING:

(A) PERSONS RELATED BY CONSANGUINITY OR AFFINITY;

(B) PERSONS LEGALLY MARRIED TO ONE ANOTHER;

(C) PERSONS FORMERLY MARRIED TO ONE ANOTHER;

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

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(D) PERSONS WHO HAVE A CHILD IN COMMON, REGARDLESS OF WHETHER SUCH PERSONS HAVE BEEN MARRIED OR HAVE LIVED TOGETHER AT ANY TIME;

S 2. Subdivision 2 of section 259-c of the executive law, as added by chapter 904 of the laws of 1977 and amended by chapter 1 of the laws of 1998, is amended to read as follows:

2. have the power and duty of determining the conditions of release of the person who may be conditionally released or subject to a period of post-release supervision under an indeterminate or reformatory sentence of imprisonment and of determining which inmates serving a definite sentence of imprisonment may be conditionally released and when and under what conditions. WHERE AN INMATE TO BE CONDITIONALLY RELEASED WAS CONVICTED OF A CRIME AND THE VICTIM IS OR WAS A MEMBER OF THE SAME FAMILY OR HOUSEHOLD AS THE INMATE IT SHALL BE THE DUTY OF THE BOARD AT LEAST ONE WEEK PRIOR TO THE RELEASE TO NOTIFY THE VICTIM OR VICTIMS OF SUCH OFFENSE, UNLESS THE VICTIM REFUSES OR HIS OR HER WHEREABOUTS ARE UNKNOWN, THAT THE INMATE IS BEING RELEASED AND OF THE CONDITIONS OF SUCH RELEASE. SUCH NOTIFICATION SHALL BE SENT BY ELECTRONIC MAIL WHEN THE ELECTRONIC MAIL ADDRESS OF THE VICTIM OR VICTIMS IS AVAILABLE, AND WHEN IT IS NOT, BY CERTIFIED MAIL TO THE LAST KNOWN ADDRESS OF THE VICTIM OR VICTIMS. WHEN SUCH ADDRESS IS A SHELTER FOR VICTIMS OF DOMESTIC ABUSE NOTICE SHALL ALSO BE GIVEN TO THE DIRECTOR OR ADMINISTRATOR OF SUCH SHELTER. FOR PURPOSES OF THIS SUBDIVISION, "MEMBERS OF THE SAME FAMILY OR HOUSEHOLD" SHALL MEAN THE FOLLOWING:

(A) PERSONS RELATED BY CONSANGUINITY OR AFFINITY;

(B) PERSONS LEGALLY MARRIED TO ONE ANOTHER;

(C) PERSONS FORMERLY MARRIED TO ONE ANOTHER;

(D) PERSONS WHO HAVE A CHILD IN COMMON, REGARDLESS OF WHETHER SUCH PERSONS HAVE BEEN MARRIED OR HAVE LIVED TOGETHER AT ANY TIME;

S 3. This act shall take effect on the sixtieth day after it shall have become a law; provided that the amendments to subdivision 2 of section 259-c of the executive law, made by section one of this act, shall not affect the expiration and reversion of such subdivision and shall expire therewith, when upon such date the provisions of section two of this act shall take effect; and shall apply to all inmates conditionally released on or after the effective date of this act.