

STATE OF NEW YORK

3890

2019-2020 Regular Sessions

IN ASSEMBLY

January 31, 2019

Introduced by M. of A. DenDEKKER -- read once and referred to the
Committee on Correction

AN ACT to amend the executive law and the criminal procedure law, in
relation to enabling victims to view parole hearings via closed
circuit television or a secure online website

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Section 259-c of the executive law is amended by adding a
2 new subdivision 18 to read as follows:

3 18. permit victims and relatives of victims to view an inmate's parole
4 hearing relating to their case via closed circuit television or a secure
5 online website.

6 § 2. Subdivision 3 of section 641 of the executive law, as added by
7 chapter 94 of the laws of 1984 and paragraph (d) as amended by chapter
8 618 of the laws of 1992, is amended to read as follows:

9 3. Ensure notification of victims, witnesses, relatives of those
10 victims and witnesses who are minors, and relatives of homicide victims,
11 if such persons provide the appropriate official with a current address
12 and telephone number, either by phone or by mail, if possible, of judi-
13 cial proceedings relating to their case, including:

14 (a) the arrest of an accused;

15 (b) the initial appearance of an accused before a judicial officer;

16 (c) the release of an accused pending judicial proceedings; ~~[and]~~

17 (d) proceedings in the prosecution of the accused including entry of a
18 plea of guilty, trial, sentencing, but prior to sentencing specific
19 information shall be provided regarding the right to seek restitution
20 and reparation, and where a term of imprisonment is imposed, specific
21 information shall be provided regarding maximum and minimum terms of
22 such imprisonment; and

23 (e) the date and time of any parole hearing as well as the location at
24 which the victim and relatives of the victim may view the hearing on

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

LBD07840-01-9

1 closed circuit television or the secure online website on which the
2 hearing may be viewed.

3 § 3. Subdivision 1 of section 440.50 of the criminal procedure law, as
4 amended by chapter 193 of the laws of 2017, is amended to read as
5 follows:

6 1. Upon the request of a victim of a crime, or in any event in all
7 cases in which the final disposition includes a conviction of a violent
8 felony offense as defined in section 70.02 of the penal law, a felony
9 defined in article one hundred twenty-five of such law, or a felony
10 defined in article one hundred thirty of such law, the district attorney
11 shall, within sixty days of the final disposition of the case, inform
12 the victim by letter of such final disposition. If such final disposi-
13 tion results in the commitment of the defendant to the custody of the
14 department of corrections and community supervision for an indeterminate
15 sentence, the notice provided to the crime victim shall also inform the
16 victim of his or her right to submit a written, audiotaped, or vide-
17 otaped victim impact statement to the department of corrections and
18 community supervision or to meet personally with a member of the state
19 board of parole at a time and place separate from the personal interview
20 between a member or members of the board and the inmate and make such a
21 statement, subject to procedures and limitations contained in rules of
22 the board, both pursuant to subdivision two of section two hundred
23 fifty-nine-i of the executive law. A copy of such letter shall be
24 provided to the board of parole. The right of the victim under this
25 subdivision to submit a written victim impact statement or to meet
26 personally with a member of the state board of parole applies to each
27 personal interview between a member or members of the board and the
28 inmate. The notice to the victim shall also inform the victim of his or
29 her right to view the defendant's parole hearing on closed circuit tele-
30 vision or over a secure online website and shall inform the victim of
31 the intended date and time of the parole hearing as well as the location
32 or website address at which the victim may view the hearing.

33 § 4. This act shall take effect immediately.