

# STATE OF NEW YORK

5479

2019-2020 Regular Sessions

## IN ASSEMBLY

February 12, 2019

Introduced by M. of A. SCHMITT -- read once and referred to the Committee on 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:

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

4 2. have the power and duty of determining the conditions of release of  
5 the person who may be presumptively released, conditionally released or  
6 subject to a period of post-release supervision under an indeterminate  
7 or determinate sentence of imprisonment. Where an inmate to be condi-  
8 tionally released was convicted of a crime and the victim is or was a  
9 member of the same family or household as the inmate it shall be the  
10 duty of the board at least one week prior to the release to notify the  
11 victim or victims of such offense, unless the victim refuses or his or  
12 her whereabouts are unknown, that the inmate is being released and of  
13 the conditions of such release. Such notification shall be sent by elec-  
14 tronic mail when the electronic mail address of the victim or victims is  
15 available, and when it is not, by certified mail to the last known  
16 address of the victim or victims. When such address is a shelter for  
17 victims of domestic abuse notice shall also be given to the director or  
18 administrator of such shelter. For purposes of this subdivision,  
19 "members of the same family or household" shall mean the following:

20 (a) persons related by consanguinity or affinity;  
21 (b) persons legally married to one another;  
22 (c) persons formerly married to one another;  
23 (d) persons who have a child in common, regardless of whether such  
24 persons have been married or have lived together at any time;

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

LBD08330-01-9

1 § 2. Subdivision 2 of section 259-c of the executive law, as added by  
2 chapter 904 of the laws of 1977 and amended by chapter 1 of the laws of  
3 1998, is amended to read as follows:

4 2. have the power and duty of determining the conditions of release of  
5 the person who may be conditionally released or subject to a period of  
6 post-release supervision under an indeterminate or reformatory sentence  
7 of imprisonment and of determining which inmates serving a definite  
8 sentence of imprisonment may be conditionally released and when and  
9 under what conditions. Where an inmate to be conditionally released was  
10 convicted of a crime and the victim is or was a member of the same fami-  
11 ly or household as the inmate it shall be the duty of the board at least  
12 one week prior to the release to notify the victim or victims of such  
13 offense, unless the victim refuses or his or her whereabouts are  
14 unknown, that the inmate is being released and of the conditions of such  
15 release. Such notification shall be sent by electronic mail when the  
16 electronic mail address of the victim or victims is available, and when  
17 it is not, by certified mail to the last known address of the victim or  
18 victims. When such address is a shelter for victims of domestic abuse  
19 notice shall also be given to the director or administrator of such  
20 shelter. For purposes of this subdivision, "members of the same family  
21 or household" shall mean the following:

22 (a) persons related by consanguinity or affinity;

23 (b) persons legally married to one another;

24 (c) persons formerly married to one another;

25 (d) persons who have a child in common, regardless of whether such  
26 persons have been married or have lived together at any time;

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