

STATE OF NEW YORK

7680

2021-2022 Regular Sessions

IN ASSEMBLY

May 19, 2021

Introduced by M. of A. DINOWITZ -- (at request of the Department of Corrections and Community Supervision) -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to notifying victims of crimes electronically

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

1 Section 1. Subdivision 5 of section 380.50 of the criminal procedure
2 law, as amended by section 75 of subpart B of part C of chapter 62 of
3 the laws of 2011, is amended to read as follows:
4 5. Following the receipt of such form from the prosecutor, it shall be
5 the duty of the department of corrections and community supervision or,
6 where the person is committed to the custody of the office of mental
7 health, at the time such person is discharged, paroled, conditionally
8 released, released to post-release supervision, or released from
9 confinement under article ten of the mental hygiene law, to notify the
10 victim of such occurrence by certified mail [~~directed to the address~~] or
11 with the prior consent of the victim either by regular mail or by elec-
12 tronic transmission using the contact information provided by the
13 victim. In the event such person escapes or absconds from a facility
14 under the jurisdiction of the department of corrections and community
15 supervision, it shall be the duty of such department to notify imme-
16 diately the victim of such occurrence [~~at the most current address or~~
17 ~~telephone number~~] using the contact information provided by the victim
18 in the most reasonable and expedient possible manner. In the event such
19 escapee or absconder is subsequently taken into custody by the depart-
20 ment of corrections and community supervision, it shall be the duty of
21 such department to notify the victim of such occurrence by certified or
22 regular mail [~~directed to the address~~] or by electronic transmission
23 using the contact information provided by the victim within forty-eight
24 hours of regaining such custody. In the case of a person who escapes or

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

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1 absconds from confinement under article ten of the mental hygiene law,
2 the office of mental health shall notify the victim or victims in
3 accordance with the procedures set forth in subdivision (g) of section
4 10.10 of the mental hygiene law. In no case shall the state be held
5 liable for failure to provide any notice required by this subdivision.

6 § 2. This act shall take effect on the thirtieth day after it shall
7 have become a law and shall apply to forms received by the department of
8 corrections and community supervision after such date.