

STATE OF NEW YORK

6717

2023-2024 Regular Sessions

IN ASSEMBLY

May 5, 2023

Introduced by M. of A. EACHUS -- 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 incarcerated individual 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 incarcerated individ-
8 ual to be conditionally released was convicted of a crime and the victim
9 is or was a member of the same family or household as the incarcerated
10 individual it shall be the duty of the board at least one week prior to
11 the release to notify the victim or victims of such offense, unless the
12 victim refuses or his or her whereabouts are unknown, that the incarcer-
13 ated individual is being released and of the conditions of such release.
14 Such notification shall be sent by electronic mail when the electronic
15 mail address of the victim or victims is available, and when it is not,
16 by certified mail to the last known address of the victim or victims.
17 When such address is a shelter for victims of domestic abuse notice
18 shall also be given to the director or administrator of such shelter.
19 For purposes of this subdivision, "members of the same family or house-
20 hold" shall mean the following:

21 (a) persons related by consanguinity or affinity;

22 (b) persons legally married to one another;

23 (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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1 (d) persons who have a child in common, regardless of whether such
2 persons have been married or have lived together at any time;

3 § 2. Subdivision 2 of section 259-c of the executive law, as amended
4 by chapter 322 of the laws of 2021, is amended to read as follows:

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

24 (a) persons related by consanguinity or affinity;

25 (b) persons legally married to one another;

26 (c) persons formerly married to one another;

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

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