STATE OF NEW YORK

81

2023-2024 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to requiring the notice to crime victims of case disposition to inform the victim that he or she has the right to attend interviews between the board of parole and the incarcerated individual; and to amend the executive law, in relation to requiring the board of parole to review victim impact statements

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

Section 1. Subdivision 1 of section 440.50 of the criminal procedure law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

1. **(a)** Upon the request of a victim of a crime, or in any event in all cases in which the final disposition includes a conviction of a violent felony offense as defined in section 70.02 of the penal law, a felony defined in article one hundred twenty-five of such law, or a felony defined in article one hundred thirty of such law, the district attorney shall, within sixty days of the final disposition of the case, inform the victim by letter of such final disposition. If such final disposition results in the commitment of the defendant to the custody of the department of corrections and community supervision for an indeterminate sentence, the notice provided to the crime victim shall also inform the victim of his or her right to submit a written, audiotaped, **telephonic,** or [~~videotaped~~] **video recorded** victim impact statement to the department of corrections and community supervision or to meet personally with a member of the state board of parole at a time and place separate from the personal interview between a member or members of the board and the incarcerated individual and make such a statement, subject to procedures and limitations contained in rules of the board, both pursuant to subdi-

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

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vision two of section two hundred fifty-nine-i of the executive law. A copy of such [~~letter~~] statement shall be provided to the board of parole and all presiding commissioners for such hearing. The right of the victim under this subdivision to submit a [~~written~~] victim impact statement in any format or to meet personally with a member of the state board of parole applies to each personal interview between a member or members of the board and the incarcerated individual.

(b) In all cases in which the final disposition includes a felony defined in article one hundred twenty-five of the penal law that results in the commitment of the defendant to the custody of the department of corrections and community supervision for an indeterminate sentence, the notice provided to the crime victim pursuant to paragraph (a) of this subdivision shall also inform the victim of his or her right to attend the personal interview between members of the board of parole and the incarcerated individual, whether in-person or by electronic appearance as defined in section 182.10 of this part, and reasonably express his or her opinions concerning the crime, the incarcerated individual, and whether or not the incarcerated individual should be released on parole, and if so released, under what conditions, subject to procedures and limitations contained in the rules of the board, pursuant to subdivision two of section two hundred fifty-nine-i of the executive law. If the victim is present at the parole interview, the board, at the victim's request, shall permit the presence of an individual to provide support to the victim. The right of the victim under this subdivision to attend the personal interview between members of the board and the incarcerated individual, whether in-person or by electronic appearance, applies to each personal interview between a member or members of the board and the incarcerated individual.

§ 2. Subdivision 2 of section 259-i of the executive law is amended by adding a new paragraph (f) to read as follows:

(f) Immediately prior to the conduct of any hearing by the board of parole as provided in this article, the members of the board and all presiding commissioners for such hearing shall review all victim impact statements relating to the offense or offenses of which the incarcerated individual has been convicted, including victim impact statements provided in connection with the pre-sentencing report and victim impact statements provided directly to the board. All victim impact statements provided directly to the board shall be video recorded. Failure to review statements as provided in this section shall render such hearing invalid.

§ 3. This act shall take effect immediately.