STATE OF NEW YORK

9956

IN SENATE

December 4, 2024

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

AN ACT to amend the executive law and the correction law, in relation to certain required disclosures by the office of children and family services upon the release or discharge of a juvenile offender or adolescent offender

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

Section 1. Section 508 of the executive law is amended by adding two new subdivisions 10 and 11 to read as follows:

10. Notwithstanding any other law, rule or regulation to the contrary, where a juvenile offender or adolescent offender less than eighteen years of age is being released or discharged from the custody of the office following a term of commitment or placement imposed pursuant to a felony conviction, the office shall provide the department of corrections and community supervision with any and all records that are necessary to ascertain the nature of such offender's conviction and would be beneficial in identifying and mitigating any risk that such offender could pose to the community if released or discharged.

11. Notwithstanding any other law, rule or regulation to the contrary, thirty days prior to releasing a juvenile offender or adolescent offender, the office and the department of corrections and community supervision shall notify the school district where such offender shall reside of such offender's scheduled release or discharge date and such offender's eligibility to enroll. To the extent authorized by federal law, prior to the release or discharge of such offender, the office shall provide such school district with any and all records that are necessary to ascertain the nature of such offender's conviction and would be beneficial in identifying and mitigating any risk that such offender could pose to such school district if released or discharged.

§ 2. Section 149 of the correction law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 149. Released incarcerated individuals; notification to sheriff, police, and district attorney. **1.** In the case of any incarcerated indi-

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

LBD16394-01-4

vidual convicted of a felony, it shall be the duty of the department~~,~~ at least forty-eight hours prior to the release of any such incarcerated individual from a correctional facility~~,~~ to notify the chief of police both of the city, town or village in which such incarcerated individual proposes to reside and of the city, town or village in which such incarcerated individual resided at the time of [~~his or her~~] **such incarcerated individual's** conviction and the district attorney of the county where the offense for which the incarcerated individual is incarcerated was prosecuted, of the contemplated release of such incarcerated individual, informing such chief of police and the district attorney of the name and aliases of the incarcerated individual, the address at which [~~he or she~~] **such incarcerated individual** proposes to reside, the amount of time remaining to be served, if any, on the full term for which [~~he or she~~] **such incarcerated individual** was sentenced, and the nature of the crime for which [~~he or she~~] **such incarcerated individual** was sentenced, transmitting at the same time to the chief of police a copy of such incarcerated individual's fingerprints and photograph. Where such incarcerated individual proposes to reside outside of a city, such notification shall be sent to the sheriff of the county in which such incarcerated individual proposes to reside. Such notification may be provided by electronic transmission to those willing jurisdictions that have the capability of receiving electronic transmission notification. Any chief of police or sheriff who receives notification of a released incarcerated individual pursuant to this [~~section~~] **subdivision** may request and receive from the division of criminal justice services a report containing a summary of such incarcerated individual's criminal record.

2. In the case of any juvenile offender or adolescent offender convicted of a felony, it shall be the duty of the department and the office of children and family services, at least forty-eight hours prior to the release of any such offender from a correctional facility or an office of children and family services facility, to notify the chief of police both of the city, town or village in which such offender proposes to reside and of the city, town or village in which such offender resided at the time of such offender's conviction and the district attorney of the county where the offense for which such offender is committed or placed in the custody of the office of children and family services was prosecuted, of the contemplated release of such offender, informing such chief of police and the district attorney of the name and aliases of such offender, the address at which such offender proposes to reside, the amount of time remaining to be served, if any, on the full term for which such offender was sentenced, and the nature of the crime for which such offender was sentenced, transmitting at the same time to the chief of police a copy of such offender's fingerprints and photograph. Where a juvenile offender or adolescent offender proposes to reside outside of a city, such notification shall be sent to the sheriff of the county in which such offender proposes to reside. Such notification may be provided by electronic transmission to those willing jurisdictions that have the capability of receiving electronic transmission notification. Any chief of police or sheriff who receives notification of a released or discharged offender pursuant to this subdivision may request and receive from the division of criminal justice services a report containing a summary of such offender's criminal record.

§ 3. This act shall take effect immediately.