

STATE OF NEW YORK

4623

2023-2024 Regular Sessions

IN ASSEMBLY

February 21, 2023

Introduced by M. of A. MCGOWAN -- read once and referred 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:

1 Section 1. Subdivision 1 of section 440.50 of the criminal procedure
2 law, as amended by chapter 322 of the laws of 2021, is amended to read
3 as follows:
4 1. (a) Upon the request of a victim of a crime, or in any event in all
5 cases in which the final disposition includes a conviction of a violent
6 felony offense as defined in section 70.02 of the penal law, a felony
7 defined in article one hundred twenty-five of such law, or a felony
8 defined in article one hundred thirty of such law, the district attorney
9 shall, within sixty days of the final disposition of the case, inform
10 the victim by letter of such final disposition. If such final disposition
11 results in the commitment of the defendant to the custody of the
12 department of corrections and community supervision for an indeterminate
13 sentence, the notice provided to the crime victim shall also inform the
14 victim of his or her right to submit a written, audiotaped, telephonic,
15 or [~~videotaped~~] video recorded victim impact statement to the department
16 of corrections and community supervision or to meet personally with a
17 member of the state board of parole at a time and place separate from
18 the personal interview between a member or members of the board and the
19 incarcerated individual and make such a statement, subject to procedures
20 and limitations contained in rules of the board, both pursuant to subdivision
21 two of section two hundred fifty-nine-i of the executive law. A

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

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1 copy of such [~~letter~~] statement shall be provided to the board of parole
2 and all presiding commissioners for such hearing. The right of the
3 victim under this subdivision to submit a [~~written~~] victim impact state-
4 ment in any format or to meet personally with a member of the state
5 board of parole applies to each personal interview between a member or
6 members of the board and the incarcerated individual.

7 (b) In all cases in which the final disposition includes a felony
8 defined in article one hundred twenty-five of the penal law that
9 results in the commitment of the defendant to the custody of the depart-
10 ment of corrections and community supervision for an indeterminate
11 sentence, the notice provided to the crime victim pursuant to paragraph
12 (a) of this subdivision shall also inform the victim of his or her right
13 to attend the personal interview between members of the board of parole
14 and the incarcerated individual, whether in-person or by electronic
15 appearance as defined in section 182.10 of this part, and reasonably
16 express his or her opinions concerning the crime, the incarcerated indi-
17 vidual, and whether or not the incarcerated individual should be
18 released on parole, and if so released, under what conditions, subject
19 to procedures and limitations contained in the rules of the board,
20 pursuant to subdivision two of section two hundred fifty-nine-i of the
21 executive law. If the victim is present at the parole interview, the
22 board, at the victim's request, shall permit the presence of an individ-
23 ual to provide support to the victim. The right of the victim under
24 this subdivision to attend the personal interview between members of the
25 board and the incarcerated individual, whether in-person or by electron-
26 ic appearance, applies to each personal interview between a member or
27 members of the board and the incarcerated individual.

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

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

40 § 3. This act shall take effect immediately.