STATE OF NEW YORK

5502

2023-2024 Regular Sessions

IN SENATE

March 6, 2023

Introduced by Sen. SCARCELLA-SPANTON -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the executive law, in relation to certain notifications and the rights of crime victims

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

Section 1. Section 646-a of the executive law, as added by chapter 67 of the laws of 1994, subdivisions 1, 3 and 4 as amended by section 35 of part A-1 of chapter 56 of the laws of 2010, and paragraph (g) of subdivision 2 as added by chapter 186 of the laws of 2005, is amended to read as follows:

§ 646-a. Information relative to the fair treatment standards; pamphlet. 1. The district attorney **or the court** shall provide the victim, **parent or guardian of a minor, or a surviving family member in the case of homicide,** at the **time of sentencing or at the** earliest time possible, with an informational pamphlet detailing the rights of crime victims which shall be prepared by the division of criminal justice services in consultation with the director of the office of victim services **and the office of victim assistance,** and distributed to each district attorney's office.

2. The pamphlet shall summarize provisions of this article. It shall also include specific information with appropriate statutory references on the following:

(a) the rights of crime victims to compensation and services;

(b) the rights of crime victims to routine notification of judicial proceedings relating to their case as provided in section six hundred forty-one of this article, in section 330.20, [~~and~~] section 440.50 **and section 380.50** of the criminal procedure law [~~and section one hundred forty-nine-a of the correction law~~];

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

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(c) the rights of crime victims to be protected from intimidation and to have the court, where appropriate, issue protective orders as provided in sections 530.12 and 530.13 of the criminal procedure law and sections 215.15, 215.16 and 215.17 of the penal law;

(d) the rights of crime victims to submit, where appropriate, a victim impact statement for the pre-sentencing report and the parole hearing as provided in section 390.30 of the criminal procedure law and section two hundred fifty-nine-i of this chapter;

(e) the rights of crime victims, where a defendant is being sentenced for a felony, to request the right to make a statement at the time of sentencing as provided in section 380.50 of the criminal procedure law; [~~and~~]

(f) the rights of crime victims to request restitution and have the district attorney present such request to the court and assist the crime victim in the filing and collection of a restitution order in cooperation with the designated agency of the court as provided in section 420.10 of the criminal procedure law and section 60.27 of the penal law[~~.~~]**;**

(g) the rights of crime victims to be aware of the defendant's incarceration status by providing the [~~division of~~] **state board of** parole's contact information, including the [~~division's~~] **board's** toll-free telephone number, as provided for in subdivision two of section two hundred fifty-nine-i of this chapter. Such notice shall advise the crime victim to use the [~~division's~~] **board's** toll-free telephone number to update contact information[~~.~~]**;**

(h) the requirement of a victim or a surviving family member to register with the department of corrections and community supervision's office of victim assistance if, at any time, they want to:

(i) be notified of a defendant's release from a state correctional facility;

(ii) be notified of parole board interviews with a defendant, and the results of any such interviews; or

(iii) provide or update a victim impact statement to the board of parole; and

(i) the right of crime victims or surviving family members to obtain, at no cost, a copy of the transcripts of parole hearings.

3. This pamphlet shall provide space for the insertion of the following information:

(a) the address and phone number of the office of victim services;

(b) **the address and phone number of the office of victim assistance;**

(c) the address and phone numbers of local victim service programs, where appropriate;

[~~(c)~~] **(d)** the name, phone number and office location of the person in the district attorney's office to whom inquiries concerning the [~~victims~~] **victim's** case may be directed; and

[~~(d)~~] **(e)** any other information the division deems appropriate.

4. (a) The commissioner of the division of criminal justice services in consultation with the director of the office of victim services **and the office of victim assistance,** shall develop and prepare a standardized form for the use of district attorney offices for the purpose of reporting compliance with this section. The form is to be distributed to each district attorney. Every district attorney's office in the state shall complete the reporting form annually and send it to the director of the office of victim services by the first day of January each year subsequent to the effective date of this subdivision.

(b) A copy of the report shall be retained by the district attorney and upon request, a victim of a crime or relative of a victim shall be entitled to receive from the district attorney a copy of their district attorney's annual report without charge. Any other person requesting a copy of the report shall pay a fee not to exceed the actual cost of reproduction.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.