STATE OF NEW YORK

6563

2025-2026 Regular Sessions

IN ASSEMBLY

March 6, 2025

Introduced by M. of A. LAVINE -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law and the public health law, in relation to requiring the notification of crime victims of the death of an accused

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

Section 1. Subdivision 3 of section 641 of the executive law, as added by chapter 94 of the laws of 1984, paragraph (d) as amended by chapter 618 of the laws of 1992, is amended to read as follows:

3. Ensure notification of victims, witnesses, relatives of those victims and witnesses who are minors, and relatives of homicide victims, [~~if such persons provide the appropriate official with a current address and telephone number~~] **unless such persons opt not to receive such notification**, either by phone or by mail, if possible, of judicial proceedings relating to their case, including:

(a) the arrest of an accused;

(b) the initial appearance of an accused before a judicial officer;

(c) the release of an accused pending judicial proceedings; [~~and~~]

(d) proceedings in the prosecution of the accused including entry of a plea of guilty, trial, sentencing, but prior to sentencing specific information shall be provided regarding the right to seek restitution and reparation, and where a term of imprisonment is imposed, specific information shall be provided regarding maximum and minimum terms of such imprisonment[~~.~~]**; and**

(e) the death of the accused if such person dies during pending judicial proceedings or during any period of incarceration, parole or post-release supervision, or where there is an order of protection against the accused for the benefit of any victim or witness.

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

LBD10112-03-5

§ 2. Paragraph (h) of subdivision 2 of section 646-a of the executive law, as added by chapter 574 of the laws of 2024, is amended to read as follows:

(h) the [~~requirement~~] right of a victim or a surviving family member to [~~register with~~] be automatically notified of (i) a defendant's release from a state correctional facility, and (ii) parole board interviews with a defendant, and the results of any such interviews; by 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)~~], and the right to provide or update a victim impact statement to the board of parole; and

§ 3. Section 221-a of the executive law is amended by adding a new subdivision 7 to read as follows:

7. The superintendent shall establish procedures for the notification of any parties named in an order of protection issued pursuant to the criminal procedure law or the family court act who were the victim of an offense or a witness to such offense committed by the subject of such order, upon the death of such person.

§ 4. Section 4140 of the public health law is amended by adding a new subdivision 4 to read as follows:

4. The commissioner and the department of health of the city of New York shall deliver to the department of corrections and community supervision's office of victim assistance and the division of criminal justice services, at least monthly, records in a format as mutually determined by both agencies, of the names of all persons for whom death certificates were issued. Such records shall be arranged by county of residence and shall include the name, residence address and birth date of each such person.

§ 5. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that if chapter 574 of the laws of 2024 shall not have taken effect on or before such date then section two of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2024 takes effect.