

STATE OF NEW YORK

5586

2025-2026 Regular Sessions

IN SENATE

February 25, 2025

Introduced by Sens. LANZA, HELMING, MATTERA, MURRAY, OBERACKER, PALUMBO, STEC, WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law and the executive law, in relation to requiring that all family members of a crime victim and all interested parties who want to give a victim impact statement to parole board members be allowed to do so

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

1 Section 1. Section 440.50 of the criminal procedure law, as added by
2 chapter 496 of the laws of 1978, subdivision 1 as amended by chapter 322
3 of the laws of 2021, and subdivision 2 as amended by chapter 14 of the
4 laws of 1985, is amended to read as follows:

5 § 440.50 Notice to crime victims, family members of a crime victim or an
6 interested party of case disposition.

7 1. Upon the request of a victim of a crime, a family member of a crime
8 victim or an interested party, or in any event in all cases in which the
9 final disposition includes a conviction of a violent felony offense as
10 defined in section 70.02 of the penal law, a felony defined in article
11 one hundred twenty-five of such law, or a felony defined in article one
12 hundred thirty of such law, the district attorney shall, within sixty
13 days of the final disposition of the case, inform the victim or a family
14 member of a crime victim or an interested party who requests to be
15 informed by letter of such final disposition. If such final disposition
16 results in the commitment of the defendant to the custody of the depart-
17 ment of corrections and community supervision for an indeterminate
18 sentence, the notice provided to the crime victim, a family member of a
19 crime victim or interested party shall also inform the victim of [~~his or~~
20 ~~her~~] their right to submit a written, audiotaped, or videotaped victim
21 impact statement to the department of corrections and community super-
22 vision or to meet personally with [~~a member~~] members of the state board

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

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1 of parole who will determine whether the defendant is released at a time
2 and place separate from the personal interview between a member or
3 members of the board and the incarcerated individual and make such a
4 statement, subject to procedures and limitations contained in rules of
5 the board, both pursuant to subdivision two of section two hundred
6 fifty-nine-i of the executive law. A copy of such letter shall be
7 provided to the board of parole. The right of the victim, a family
8 member of a crime victim or an interested party under this subdivision
9 to submit a written victim impact statement or to meet personally with
10 [~~a member~~] members of the state board of parole applies to each personal
11 interview between a member or members of the board and the incarcerated
12 individual.

13 2. As used in this section, "victim" means any person alleged or
14 found, upon the record, to have sustained physical or financial injury
15 to person or property as a direct result of the crime charged or a
16 person alleged or found to have sustained, upon the record, an offense
17 under article one hundred thirty of the penal law, or in the case of a
18 homicide or minor child, the victim's family.

19 3. As used in this section, "final disposition" means an ultimate
20 termination of the case at the trial level including, but not limited
21 to, dismissal, acquittal, or imposition of sentence by the court, or a
22 decision by the district attorney, for whatever reason, to not file the
23 case.

24 4. As used in this section, "family member of a crime victim" means a
25 member of the victim's immediate family who is at least sixteen years
26 old.

27 5. As used in this section, "interested party" shall mean a person,
28 who is not a family member of a crime victim, designated by the judge
29 who imposes the sentence on the defendant, as a person who has an
30 involvement with the case sufficient to make such person an interested
31 party. The judge who imposes the sentence on a defendant shall designate
32 interested parties, if any, at the time of sentencing.

33 § 2. Paragraph (c) of subdivision 2 of section 259-i of the executive
34 law, as amended by chapter 322 of the laws of 2021, is amended to read
35 as follows:

36 (c) (A) Discretionary release on parole shall not be granted merely as
37 a reward for good conduct or efficient performance of duties while
38 confined but after considering if there is a reasonable probability
39 that, if such incarcerated individual is released, [~~he or she~~] such
40 incarcerated individual will live and remain at liberty without violat-
41 ing the law, and that [~~his or her~~] such incarcerated individual's
42 release is not incompatible with the welfare of society and will not so
43 deprecate the seriousness of [~~his or her~~] such incarcerated individual's
44 crime as to undermine respect for law. In making the parole release
45 decision, the procedures adopted pursuant to subdivision four of section
46 two hundred fifty-nine-c of this article shall require that the follow-
47 ing be considered: (i) the institutional record including program goals
48 and accomplishments, academic achievements, vocational education, train-
49 ing or work assignments, therapy and interactions with staff and incar-
50 cerated individuals; (ii) performance, if any, as a participant in a
51 temporary release program; (iii) release plans including community
52 resources, employment, education and training and support services
53 available to the incarcerated individual; (iv) any deportation order
54 issued by the federal government against the incarcerated individual
55 while in the custody of the department and any recommendation regarding
56 deportation made by the commissioner of the department pursuant to

1 section one hundred forty-seven of the correction law; (v) any current
2 or prior statement made to the board by the crime victim or the victim's
3 representative, where the crime victim is deceased or is mentally or
4 physically incapacitated or a family member of a crime victim or inter-
5 ested party as defined in section 440.50 of the criminal procedure law;
6 (vi) the length of the determinate sentence to which the incarcerated
7 individual would be subject had [~~he or she~~] such incarcerated individual
8 received a sentence pursuant to section 70.70 or section 70.71 of the
9 penal law for a felony defined in article two hundred twenty or former
10 article two hundred twenty-one of the penal law; (vii) the seriousness
11 of the offense with due consideration to the type of sentence, length of
12 sentence and recommendations of the sentencing court, the district
13 attorney, the attorney for the incarcerated individual, the pre-sentence
14 probation report as well as consideration of any mitigating and aggra-
15 vating factors, and activities following arrest prior to confinement;
16 and (viii) prior criminal record, including the nature and pattern of
17 offenses, adjustment to any previous probation or parole supervision and
18 institutional confinement. The board shall provide toll free telephone
19 access for crime victims, family members and interested parties as
20 defined in section 440.50 of the criminal procedure law. In the case of
21 an oral statement made in accordance with subdivision one of section
22 440.50 of the criminal procedure law, [~~the parole board member shall~~
23 ~~present a written report of the statement to the parole board~~] such oral
24 statement shall be made to the members of the board who will determine
25 whether the defendant is released. A crime victim's representative shall
26 mean the crime victim's closest surviving relative, the committee or
27 guardian of such person, or the legal representative of any such person.
28 Such statement submitted by the victim or victim's representative, or a
29 family member of a crime victim or interested party as defined in
30 section 440.50 of the criminal procedure law may include information
31 concerning threatening or intimidating conduct toward the victim, the
32 victim's representative, or the victim's family, made by the person
33 sentenced and occurring after the sentencing. Such information may
34 include, but need not be limited to, the threatening or intimidating
35 conduct of any other person who or which is directed by the person
36 sentenced. Any statement by a victim [~~or~~], the victim's representative,
37 a family member of a crime victim or an interested party made to the
38 board shall be maintained by the department in the file provided to the
39 board when interviewing the incarcerated individual in consideration of
40 release. A victim [~~or~~], victim's representative, family member of a
41 crime victim or interested party who has submitted a written request to
42 the department for the transcript of such interview shall be provided
43 such transcript as soon as it becomes available.

44 (B) Where a crime victim or victim's representative as defined in
45 subparagraph (A) of this paragraph or a family member of a crime victim
46 or interested party as defined in section 440.50 of the criminal proce-
47 dure law, or other person submits to the parole board a written state-
48 ment concerning the release of an incarcerated individual, the parole
49 board shall keep that individual's name and address confidential.

50 § 3. This act shall take effect on the first of November next succeed-
51 ing the date on which it shall have become a law.