



2017 Report of the New York State Senate

Standing Committee on Crime Victims, Crime and Correction

SENATOR
Patrick M. Gallivan
Chairman

SENATOR
Pam Helming
Vice-Chair

SENATOR
Jamaal T. Bailey
Ranking Member



**REPORT OF THE
NEW YORK STATE SENATE
STANDING COMMITTEE ON CRIME VICTIMS, CRIME AND CORRECTION**

2017 ANNUAL REPORT

SENATOR PATRICK M. GALLIVAN, CHAIRMAN

SENATOR JAMAAL BAILEY, RANKING MINORITY MEMBER

Committee Members

Senator Pamela Helming (Vice Chair)

Senator Fred Akshar

Senator Joseph Griffo

Senator Jesse Hamilton

Senator Brad Hoylman

Senator Christopher Jacobs

Senator Betty Little

Senator Velmanette Montgomery

Senator Patty Ritchie

Senator Gustavo Rivera

Senator Jim Tedisco

Staff

**Niko Ladopoulos, Committee Director
Camille Robins, Committee Clerk**

Room 512 LOB

**New York State Capitol
Albany, NY 12247**

Dear Friends and Colleagues:

On behalf of the Crime Victims, Crime and Correction Committee, I am pleased to submit the 2017 report on the activities of the Committee.

The Senate Crime Victims, Crime and Correction Committee has legislative oversight of proposals seeking to amend the Correction, Penal, and Executive Laws. In 2017, 70 bills were reported out of the Senate Crime Victims, Crime, and Correction Committee, 14 of which were reported to secondary reference and did not advance further.

Of those reported to the calendar, 41 passed the Senate only, and 14 passed both the Senate and Assembly. Of those 14 bills, 13 were signed into law by the Governor.

The Committee also had the opportunity to vote on several nominations. The Committee advanced the nominations of Tana Agostini, Erik J. Berliner, Otis Cruise, Charles A. Davis, Caryne Demosthenes, Tyece Drake, Carol Shapiro, and Walter William Smith, Jr. to the State Board of Parole.

In addition to the State Board of Parole, the Committee also advanced the nominations of Sheriff Allen Riley and Thomas J. Loughren as members of the State Commission of Correction and Robert S. Kurtz, MD, as a member of the Correction Medical Review Board.

I would like to offer my sincerest thanks to the members of the Committee for their diligence and veracity while serving on this Committee, and to the staff for their impartial advice.

Sincerely,

A handwritten signature in black ink, reading "Patrick M. Gallivan". The signature is written in a cursive style with a long horizontal line extending to the right.

Patrick M. Gallivan, Chair

Crime Victims, Crime and Correction Committee

**239th NEW YORK STATE SENATE SESSION
(2017) CRIME VICTIMS, CRIME AND CORRECTION LEGISLATION**

CRIME VICTIMS, CRIME AND CORRECTION NOMINATIONS IN 2017

Tana Agostini, Erik J. Berliner, Otis Cruise, Charles A. Davis, Caryne Demosthenes, Tyece Drake, Carol Shapiro, Walter William Smith, Jr., Sheriff Allen Riley, Thomas J. Loughren, and Robert S. Kurtz, MD

CRIME VICTIMS, CRIME AND CORRECTION LAWS ENACTED IN 2017

S3338/A6857 (Bailey/Ortiz), Chapter 416. Defines necessary court appearance for purposes of determination of crime victim's award.

S3498/A2534 (Bailey/Rozic), Chapter 379. Requires that rehabilitation programs for female inmates in state correctional facilities be equivalent to those provided to male inmates elsewhere in the state.

S3504/A3824 (Griffo/Brindisi), Chapter 234. Relates to allowing the Oneida County Sheriff and correctional facility to hold detained persons prior to arraignment.

S3982/A3053 (Montgomery/Weprin), Chapter 412. Requires parole decisions to be published on a publicly accessible website within 60 days of such decision.

S4909/A2394 (Diaz/Dinowitz), Chapter 280. Directs the Office of Victim Services to consult with the Office for the Aging in establishing a volunteer program of home visitation for elderly and invalid victims of violent crime.

S5407/A7586 (Gallivan/Weprin), Chapter 120. Updates internal citations and outdated references to the Division of Parole with references to the Department of Corrections and Community Supervision, the Board of Parole, or the Former Division, as appropriate.

S5408/A7281 (Gallivan/Peoples-Stokes), Chapter 117. Relates to eligibility for reimbursement of crime scene cleanup; expands such eligibility to grandparents, parents, stepparents, guardians, brothers, sisters, stepbrothers, stepsisters, and grandchildren.

S5409A/A7985A (Gallivan/Blake), Chapter 122. Allows for county jails to contract with medical professional corporations for the provision of inmate health care services.

S5430/A7569 (Gallivan/Weprin), Chapter 196. Authorizes the Office of Mental Health to enter into an agreement with a sheriff's department to permit the relevant public safety officials to transfer custody of an inmate to an OMH secure facility while such inmate receives mental health treatment.

S5494A/A6353A (Gallivan/Weprin), Chapter 476. Requires that an inmate, who has appeared before the board of parole prior to having completed any program required by DOCCS, and has been denied release, shall be immediately placed into the required program.

S5682/A1730 (Hamilton/Mosley), Chapter 254. Requires inmates to be allowed to make at least one personal phone call within 24 hours of arriving at a facility which the inmate has been transferred to. Provides for the call to be made by a designated staff member should the inmate be prevented from doing so directly due to security concerns.

S5894/A7675 (Gallivan/Weprin), Chapter 148. Extends from September 1, 2017, to September 1, 2020, the expiration of provisions authorizing local correctional facilities to enter into agreements to take custody of out-of-state inmates.

S5987/A7687 (Gallivan/Weprin), Chapter 361. Authorizes the study of staffing of parole officers and other employees of the department assigned to community supervision.

CRIME VICTIMS, CRIME AND CORRECTION LAWS VETOED IN 2017

S4770A/A4032A (Gallivan/Weprin), Veto Memo 166. Clarifies that parole officers shall perform parole warrants, transporting parolees, conducting substance abuse testing of parolees, conducting home or field visits with parolees, conducting any investigation relating to parolees, etc. Further clarifies that police officers or peace officers, not employed by the department, shall not be prevented from executing parole warrants.

CRIME VICTIMS, CRIME AND CORRECTION LEGISLATION PASSED BY THE SENATE

S193 (Marchione). Requires the department of corrections and community supervision to maintain the responsibility and costs of monitoring any person required to use an ignition device.

S215 (Marchione). Requires that when DOCCS is seeking to close any correctional facility, to submit a report to the Legislature at least 365 days before seeking such closure. Provides for legislative approval of such proposed closure.

S248 (Ortt). Prohibits any sex offender from residing within a quarter mile of any school, playground, park or building in which child care is provided.

S249 (Ortt). Requires the employment address of certain sex offenders to be reported to the division of criminal justice services.

S296 (Robach). Requires all level three sex offenders convicted of any sexually violent crime against a child to wear an electronic monitoring device for life.

S399 (Ortt). Creates a definition of residence under the sex offender registry act.

S499 (Young). Limits temporary detention of defendants in violation of their release in a local correctional facility to 72 hours before transfer to state custody.

S744 (Ritchie). Requires parole violators to be transferred to state correctional facilities after 10 days in a local correctional facility.

S785 (Carlucci). Requires that websites providing inmate information be searchable by the inmate's name, former name or alias

S968 (Murphy). Relates to sex offender residence limitation; restricts level two and three sex offenders from residing within 1,500 feet of their victims.

S1006A (Robach). Ensures that a change of address, internet accounts, internet identifiers, or status of enrollment, attendance or employment or residence at an institution of higher education be filed by a sex offender no later than three days to DCJS (reduced from the current 10 calendar days.) Also requires local law enforcement agencies transmit such notice to DCJS within three days.

S1009 (Robach). Prohibits level three sex offenders from living in college housing.

S1014 (Robach). Provides for a sex offender public awareness outreach program to provide educational outreach to schools, community groups and clergy on issues related to sex offenders.

S1186 (Marcellino). Requires notification to victims upon the conditional release of an inmate convicted of a crime against a member of the same family or household.

S1271 (Avella). Directs the DOCCS commission to promulgate rules and regulations relating to residences of certain sex offenders.

S1498 (Robach). Limits eligibility for merit time allowances to those inmates having completed 80 percent of their original sentence.

S1511 (Avella). Relates to the timing of risk level determination hearings for certain convicted sex offenders.

S1635 (Golden). Prohibits registered sex offenders from working with children.

S1787 (Klein). Prohibits sex offenders whose victim was a child and level three sex offenders from knowingly being within 1,000 feet of a facility where pre-kindergarten or kindergarten instruction is provided.

S2125 (Ritchie). Relates to prohibiting civilian drone use within 1,000 feet of a correctional facility.

S2170 (Serino). Prohibits a sex offender from being employed or allowed to volunteer for a position which would permit such person to have unsupervised access to residential living quarters, including, but not limited to, residential building superintendent, manager, or maintenance worker, etc.

S2173 (Serino). Requires all sex offenders to verify their residence and registration on a biannual basis.

S2178 (Funke). Authorizes municipalities to establish residency restrictions for sex offenders required to register with the DCJS.

S2477 (Gianaris). Requires registered sex offenders to personally appear at the law enforcement agency having jurisdiction for purpose of having a photograph taken.

S2595 (Ranzenhofer). Provides that any person who knowingly harbors, houses, or employs a defaulting sex offender and who fails to contact law enforcement regarding the offender is guilty of a class A misdemeanor.

S2638 (Lanza). Increases the in-person appearance requirements for level two sex offenders.

S2819 (Lanza). Enacts “Cesar’s Law” by requiring the retaking of parolees who abscond from the supervision of the state board of parole. The Board must notify the local law enforcement agency having jurisdiction.

S2949A (Ritchie). Requires the Commissioner of DOCCS to provide specific direction for what is adequate staffing. Further requires the establishment of a staffing plan for all uniformed and non-uniformed staff and establishes the number of necessary security posts, administrative, programmatic and other positions within the department.

S2997A (LaValle). Increases from 24 to 60 months, the time for which reconsideration for parole for a violent felony offense shall be determined.

S3027 (Ranzenhofer). Relates to prohibiting any sex offender from residing in community residence licensed or operated by OMG or OPWDD.

S3030 (Helming). Increases the penalty for failing to register as a sex offender under the Sex Offender Registry Act from a class A misdemeanor to a class D felony.

S3581 (Gallivan). Requires notice be provided to any officer or employee of the department of correctional services whose personal information is the subject of a subpoena duces tecum.

S3822 (LaValle). Prohibits certain convicted sex offenders from serving as a trustee, principal, officer, or member of a board of education of any public school in any BOCES, city, union free, common or central school district or any charter school.

S3854 (Marchione). Permits correction officers to be colorblind.

S4059 (Lanza). Requires the DCJS website that provides sex offender registry information to be searchable by the zip code of the registrant's employment.

S5068 (Gallivan). Amends the correction law to clarify that a defendant convicted of a sexually motivated felony will be considered a "sex offender" for purposes of the Sex Offender Registration Act.

S5321 (Murphy). Prohibits sex offenders who have a level two and three designation, whose sex offense was committed against a minor, or who used the internet to facilitate his or her sex offense, from using the internet to access pornography, access sites promoting sexual relations with minors or access social networking sites; makes the violation of such prohibition a class D felony.

S5348 (Murphy). Provides for employment limits for level three sex offenders to outside a 500 foot radius of a daycare or school; penalty for offender is a class E felony; prohibition remains as long as offender is level three.

S5386 (Murphy). Prohibits level two or three sex offenders, or any sex offender whose victim was under 18, from entering or remaining upon school grounds, or upon the grounds or institution for the care or treatment of children under 18, while any such child remains upon the premises. Violations of such prohibition would constitute a class D felony.

S5392 (Serino). Expands the Sex Offender Registration Act to require defendants convicted of endangering the welfare of a vulnerable elderly person or incompetent or physically disabled persons by engaging in sexual abuse, sex offenders registered in other jurisdictions for a misdemeanor who move to New York, and offenders convicted by a court martial, register as a sex offender.

S6189 (Lanza). Prohibits sex offenders convicted of certain sex offenses, kidnapping offenses or incest, when the victim was under 18 years of age, who are released on parole or sentenced to probation or conditional discharge to not enter public, association or free libraries.

DIED ON 3RD READING CALENDAR

S3037 (Murphy). Ensures that a change of address for a sex offender filed with a local law enforcement agency is transmitted to the state division of criminal justice services within five business days.

S5250 (Helming). Provides protections for mentally disabled persons by prohibiting sex offenders from residing in a community residence (licensed or operated by OMH or OPWDD).

DIED IN FOLLOWING COMMITTEE OF REFERENCE

Finance

S1096 (Rivera). Establishes a pilot project for the placement of inmates close to home.

S1628 (Golden). Affords the NYC Commissioner of Corrections the ability to transfer inmates who have been disciplined for violent offenses to a State correctional facility.

S3344 (Bailey). Increases access to substance abuse programming for prisoners whose first language is not English.

S3396 (Parker). Authorizes a study by the Department of Corrections and Community Supervision pertaining to the treatment of aging prison populations.

S4061 (Lanza). Prohibits the placement of inmates under the age of 18 in solitary confinement.

S4795 (Lanza). Prohibits the segregated confinement of pregnant inmates, inmates who have given birth within the past eight weeks and inmate mothers living with infants in prison nursery programs.

S5701A (Hamilton). Establishes a pilot project for the placement of inmates close to home; provides that such project would house inmates who are mothers of minor children in the correctional facility located in closest proximity to the primary place of residence of any such inmate's minor child or children.

Rules

S3689 (Tedisco). Enacts the "Prison Privilege Limitation Act" which would prohibit furlough program participation or temporary release by inmates convicted of 1st or 2nd degree murder, aggravated murder, or 1st, 2nd or 3rd degree rape. Furthermore, no inmate shall be supervised exclusively by a civilian and no inmates shall be permitted to wear civilian clothing.

S3957 (Seward). Prohibits level two and three sex offenders from living within 1,500 feet of their victim or school grounds. Also prohibits such offenders from attending school activities. A violation would result in a class E felony.

S4262 (Montgomery). Distributes the appointing authority of the State Board of Parole among the Governor, Senate and Assembly. After January 1, 2019, the Parole Board must consist of 19 members. Nine members shall be appointed by the Governor, three appointed by the Temporary President, three by the Speaker, two each by the minority leaders.

S6038A (Funke). Enhances prison sentences and revises post-release supervision requirements for persons convicted of a second violent felony, second felony or second child sexual assault felony offense.

S6176 (Little). Would provide feminine hygiene products at no cost to individuals housed in local and state correctional facilities.

S6322 (Hoylman). Directs the commissioner of DOCCS, in consultation with DOH, to undertake a study of the surveillance, prevention, treatment and prevalence of hepatitis C among the inmate population. Such study must address any procedural, regulatory, legislative, or budgetary obstacles. Requires report to be issued to Governor and Legislature within one year of the effective date.



**New York State Senator
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