



2013

REPORT OF THE

NEW YORK STATE SENATE

STANDING COMMITTEE ON CRIME VICTIMS,
CRIME AND CORRECTION



SENATOR PATRICK M. GALLIVAN

Chair - Standing Committee On Crime Victims, Crime And Correction

**REPORT OF THE
NEW YORK STATE SENATE
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2013 ANNUAL REPORT

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Todd J. Aldinger, Legislative Director

**Room 947 LOB
New York State Capital Building
Albany, NY 12247**

Dear Friends and Colleagues:

On behalf of the Senate Crime Victims, Crime and Correction Committee, I am pleased to submit the 2013 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 2013, 59 bills were reported from the Committee, 11 of which were reported to committees of secondary reference and did not advance further. Of those reported to calendar, 3 died on the 3rd Reading Calendar, 40 passed the Senate only, and 5 ultimately passed both houses and were signed into law.

Two bills reported from Committee and signed into law provide crime victims with additional services to help begin the healing process. S.4344 (Gallivan) expands awards for relocation expenses to include the reasonable cost of moving and transportation expenses for victims as well as for their spouse and dependents, or if a victim is a child for the expenses of their parents, stepparent, or guardian. S.4345 (Gallivan) authorizes the Office of Victim Services to make awards for crime scene clean-up to a surviving spouse, child or stepchild who resided with a homicide victim.

Two bills that passed the Senate only, S.2612 (Young) and S.5423 (Ritchie), would have provided mandate relief to local correctional facilities regarding parole violators. S.2612 limits the temporary detention of parole violators in a local correctional facility to three days before they must be transferred to a state correctional facility for further detention. S.5423 requires parole violators to be transferred to a state correctional facility after ten business days in any local correctional facility and provides that the Department of Corrections and Community Supervision reimburse the local facility for the cost of temporary detainment. These bills would have reduced the burden of costs related to detaining state parole violators that is placed on local correctional facilities.

The 2013 Regular Session was my first as the Chairman of the Crime Victims, Crime and Correction Committee. I want to extend a personal thank you to the members of the Senate Crime Victims, Crime and Correction Committee for their hard work and well thought out opinions, and to staff for their impartial judgments and advice.

I look forward to continuing to work to improve New York State in my capacities as the Senator of the 59th Senatorial District and the Chair of the Senate Crime Victims, Crime and Correction Committee.

Sincerely,



Patrick M. Gallivan
Chair, Crime Victims, Crime and Correction Committee

**236th NEW YORK STATE SENATE SESSION
(2013) CRIME VICTIMS, CRIME AND CORRECTION LEGISLATION**

CRIME VICTIMS, CRIME AND CORRECTION LAWS ENACTED IN 2013

S.4344/A.6900 (Gallivan/Englebright), Chapter 261. Defines and establishes the extent of relocation expenses for crime victim awards

S.4345/A.6899 (Gallivan/Hennessey), Chapter 119. Relates to eligibility and awards to certain family members for crime scene clean-up

S.4371A/A.7970 (Gallivan/O'Donnell), Chapter 135. States that the chairman of the board of parole is responsible for the administrative functions and daily operations of the parole board and its staff

S.4378/A.7695 (Gallivan/O'Donnell), Chapter 133. Authorizes attorneys of the state commission of correction to issue substitute jail designations

S.4929/A.7385 (Nozzolio/Russell), Chapter 234. Authorizes attorneys of the state commission of correction to issue substitute jail designations

CRIME VICTIMS, CRIME AND CORRECTION LEGISLATION PASSED BY THE SENATE

S.323 (Avella). Relates to the timing of risk level determination hearings for certain convicted sex offenders

S.758 (Fuschillo). Requires the department of corrections and community supervision to maintain the responsibility and costs of monitoring any person required to use and ignition interlock device on their motor vehicle

S.1020 (Robach). Prohibits level three sex offenders from living in college housing

S.1073 (Maziarz). Creates a definition of residence under the sex offender registry act

S.1093 (Maziarz). Requires the employment address of certain sex offenders to be reported to the division of criminal justice services

S.1191 (Flanagan). Relates to preventing defendants from making any profit from their crimes

S.1390 (Skelos). Makes the failure of a sex offender to register or verify pursuant to sex offender registration act, or working on an ice cream truck a class D felony

S.1391 (Skelos). Makes the failure of a sex offender to appear at his or her registration determination hearing a class D felony

S.1392 (Skelos). Requires sex offenders to annually return a verification form to the division of criminal justice services

S.1437 (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

S.1452 (Flanagan). Relates to the custody and visitation rights of a sex offender

S.1481 (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

S.1764 (LaValle). Requires school districts, upon notification from law enforcement agencies, to notify residents of sex offenders living in the district

S.1850A (Nozzolio). Enacts “Brittany’s Law” requiring registration of violent felony offenders

S.2017 (Skelos). Expands the amount of information available about registered sex offenders on the division of criminal justice services website

S.2204A (Young). Authorizes the employment of state and local work release inmates by not-for-profit organizations and public service projects

S.2459 (Lanza). Provides that certain sex offenders who are released on parole or sentenced to probation may not enter public, association or free libraries

S.2486 (LaValle). Increases from twenty-four to sixty months, the time for which reconsideration for parole shall be determined

S.2612 (Young). Limits temporary detention of defendants in violation of their release in a local correction facility to 72 hours before transfer to state custody

S.2959A (Golden). Restricts a registered sex offender from residing within 1000 feet of a school

S.3305 (Nozzolio). Permits correction officers to be color blind

S.3309 (LaValle). Prohibits certain persons convicted under article six-C of the correction law from serving as a trustee, principal, officer, or member of a board of education

S.3338 (Hassell-Thompson). 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

S.3457 (Maziarz). Relates to authorizes the county of Niagara to pass local laws relating to prohibiting sex offenders in schools and day care centers

S.3532 (O’Brien). Makes it a class E felony for a sex offender to submit fraudulent information regarding his or her identity or residence when registering or verifying

S.3582 (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

S.3697 (Ritchie). Requires parole violators to be transferred to state correctional facilities after 10 days in a local correctional facility

S.3762 (Golden). Prohibits registered sex offenders from working with children

S.4133 (Golden). Requires unanimous agreement by the parole board to release an inmate on parole

S.4165 (Lanza). Requires website providing sex offender registry information to be searchable by the zip code of a registrant's employment

S.4341 (Gallivan). Establishes standards for crime victim awards for loss of earnings or support

S.4342 (Gallivan). Makes certain offenders convicted of certain homicide, hate, terrorism and major drug trafficking crimes ineligible for merit, presumptive release and limited credit time

S.4343 (Gallivan). Adds a licensed health care professional to the organization of the citizen's policy and complaint review council

S.4445A (Golden). Relates to increasing penalties for certain violent felony offenses against a police officer

S.4821 (Gallivan). Relates to risk-level recommendations under the sex offender registration act

S.4994 (Lanza). Increases the in-person appearance requirements for level two sex offenders

S.5342 (Savino). Prohibits persons required to maintain registration under the sex offender registration act from entering into children's sections of certain libraries

S.5423 (Ritchie). Requires parole violators in the counties of Jefferson, Oswego, and Saint Lawrence to be transferred to state correction facilities after 10 days in a local correctional facility

S.5542 (Griffo). Requires that notice be given to the district attorney and crime victim 30 days before parole hearings and release of inmates

S.5680 (Maziarz). Prohibits any sex offender from residing within a quarter mile of any school, playground, park or building in which child day care is provided

DIED ON 3RD READING CALENDAR

S.1894 (Nozzolio). Requires state and county inmates to make medical co-payments

S.1903 (Nozzolio). Authorizes the head of any correctional institution to charge taxes on sales of commissaries and canteens

S.2006A (LaValle). Provides that the registration of sex offenders shall include a statement that he or she is in compliance with certain county and local laws

DIED IN COMMITTEE OF SECONDARY REFERENCE

Rules

S.313 (Diaz). Relates to the establishment of a home visitation program for elderly and invalid victims of violent crime

Finance

S.987 (Martins). Requires inmates incarcerated for class A-I felony, requesting a delay of their parole hearing, to submit such request to the state board of parole

S.1209 (Carlucci). Requires that websites providing inmate information be searchable by the inmate's name, former name or alias

S.1413 (Montgomery). Relates to notification of rules and regulations of correctional facilities concerning visitors

S.1854 (LaValle). Requires inmates to have an acceptable residence to qualify for parole

S.2267 (Stavisky). Relates to court clerks providing information to victims regarding orders of protection against the individual who committed the crime once they are released

S.2745 (Golden). Eliminates the \$2,500 limit for emergency crime victim awards when the award is used to replace necessary medical equipment not covered by insurance

S.3360 (Hassell-Thompson). Defines necessary court appearance for purposes of determination of crime victim's award

S.3676 (Savino). Enables victims to view parole hearings via closed circuit television or a secure online website

S.5424 (Ritchie). Authorizes counties to impose fees for performing drug tests and utilizing electronic monitoring equipment

Codes

S.1415 (Montgomery). Relates to expanding prison work release program eligibility and participation