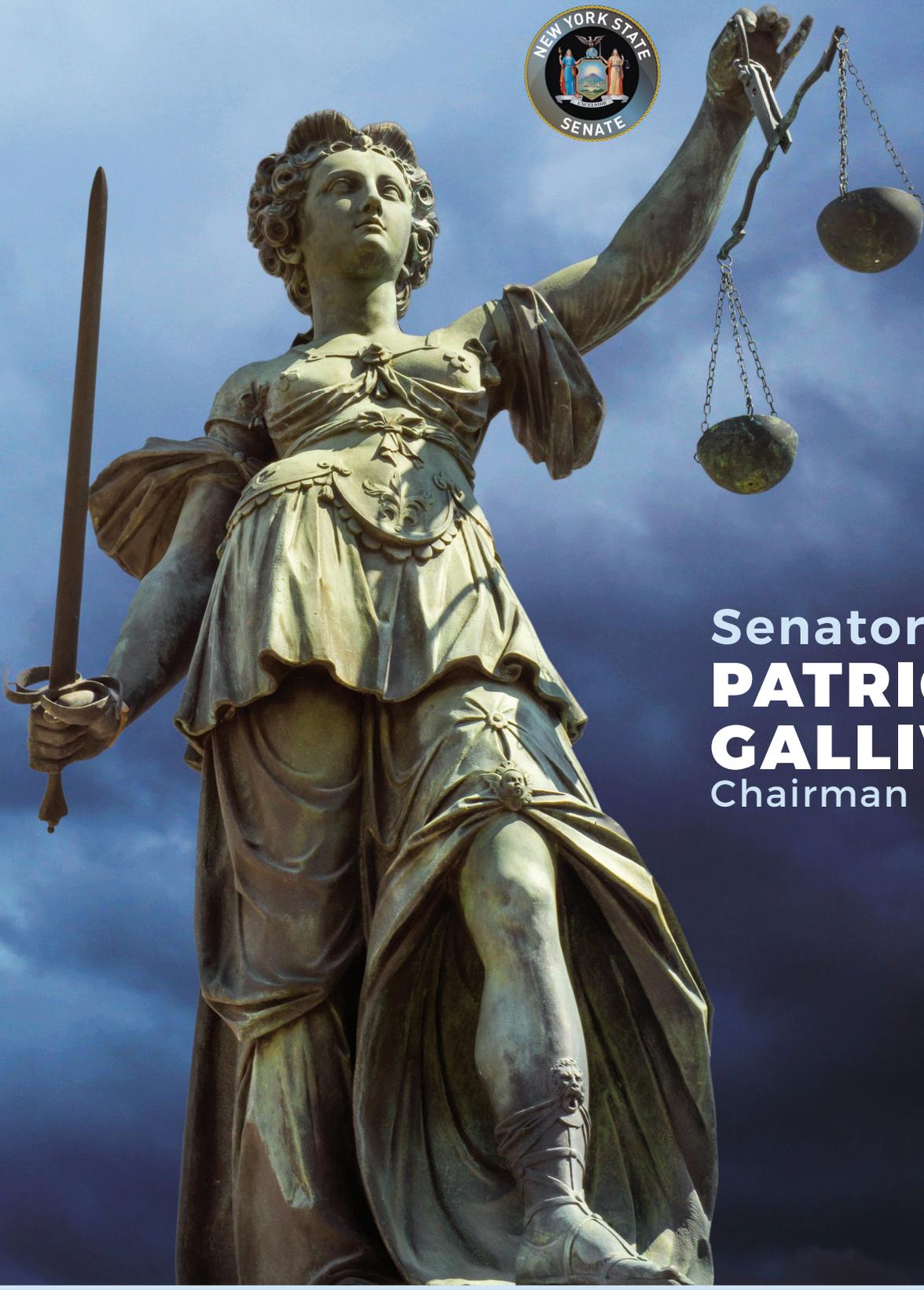


# 2016 REPORT OF THE NEW YORK STATE SENATE

Standing Committee on Crime  
Victims, Crime and Correction



Senator  
**PATRICK M.  
GALLIVAN**  
Chairman



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

**2016 ANNUAL REPORT**

**SENATOR PATRICK M. GALLIVAN, CHAIRMAN**

**SENATOR RUTH HASSELL-THOMPSON, RANKING MEMBER**

*Committee Members*

**Senator Frederick J. Akshar, II**

**Senator Joseph A. Griffo**

**Senator Ruth Hassell-Thompson**

**Senator Betty Little**

**Senator Velmanette Montgomery**

**Senator Michael F. Nozzolio**

**Senator Jose Peralta**

**Senator Bill Perkins**

**Senator Patty Ritchie**

**Senator Gustavo Rivera**

**Senator Diane J. Savino**

**Senator Michael Venditto**

*Staff*

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

**Room 947 LOB**



**New York State Capitol  
Albany, NY 12274**

Dear Friends and Colleagues:

On behalf of the Crime Victims, Crime and Correction Committee, I am pleased to submit the 2016 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 2016, 57 bills were reported from the Senate Crime Victims, Crime and Correction Committee, 5 of which were reported to secondary reference and did not advance further. Of those reported to Calendar, 3 died on the 3rd Reading Calendar, 36 passed the Senate only and 13 passed both the Senate and the Assembly. Of those 13 bills, 8 were signed into law and 5 were vetoed by the Governor.

During the 2016 Session, the Committee also had the opportunity to vote on the nomination of Lt. Colonel George P. Beach II as Superintendent of the New York State Police. He became the 15th Superintendent of the New York State Police on June 9, 2016, and now commands more than 5,000 troopers, investigators and civilian support staff who provide a full range of policing and public safety services to New Yorkers and other law enforcement agencies across the State. On behalf of the Committee, I congratulate Lt. Colonel Beach on this well-deserved honor.

I want to extend a personal thank you to the members of the committee for their hard work and well thought out opinions, and to staff for their impartial advice over the course of the 238th New York State Senate Session.

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

Sincerely,

A handwritten signature in black ink that reads "Patrick M. Gallivan". The signature is written in a cursive style with a horizontal line extending to the right from the end of the name.

Patrick M. Gallivan

Chair, Crime Victims, Crime and Correction Committee

**238<sup>th</sup> NEW YORK STATE SENATE SESSION  
(2016) CRIME VICTIMS, CRIME AND CORRECTION LEGISLATION**

**CRIME VICTIMS, CRIME AND CORRECTION NOMINATIONS IN 2016**

Lt. Colonel George P. Beach II, Superintendent, New York State Police

**CRIME VICTIMS, CRIME AND CORRECTION LAWS ENACTED IN 2016**

**S.992/A.5548 (Rivera/Sepulveda), Chapter 473.** Relates to translation services for inmates appearing before the parole board

**S.5427/A.7500A (Rivera/Joyner), Chapter 447.** Provides for the notification of the next of kin of the death of an inmate

**S.6088A/A.8596A (Little/Woerner), Chapter 173.** Authorizes the Washington and Essex county correctional facilities to also be used for the detention of persons under arrest being held for arraignment in any court located in each such county

**S.6849/A.9369 (Farley/Butler), Chapter 189.** Relates to authorizing the Fulton county correctional facility to also be used for the detention of persons under arrest being held for arraignment in any court located in the county of Fulton

**S.7191/A.9762 (Gallivan/Peoples-Stokes), Chapter 243.** Relates to awards for burial expenses of crime victims

**S.7224/A.9696 (Murphy/DenDekker), Chapter 130.** Relates to statements made to the state board of parole by the victim of a crime

**S.7252/A.9239 (Ortt/Englebright), Chapter 456.** Requires the division of criminal justice services to provide notice to the appropriate local police agency, within 48 hours, of the change of address, or the other information relating to a sex offender

**S.7469A/A.10106A (Ortt/Hawley), Chapter 210.** Relates to authorizing the Orleans county jail to also be used for the detention of persons under arrest being held for arraignment in any court located in the county of Orleans

## **CRIME VICTIMS, CRIME AND CORRECTION LAWS VETOED IN 2016**

**S.1608A/A.1819A (Bonacic/Gunther), Veto Memo 229.** Relates to the residence and domicile of sex offender registrants

**S.2034A/A.1097A (Hassell-Thompson/Ortiz), Veto Memo 228.** Defines necessary court appearance for purposes of determination of crime victim's award

**S.6806/A.1984 (Montgomery/O'Donnell), Veto Memo 231.** Requires parole decisions to be published on a publicly accessible website within 60 days of such decision

**S.6892/A.9406 (Rivera/Blake), Veto Memo 244.** Relates to medical authorization forms to disclose private medical information for people in the custody of the department of corrections and community supervision

**S.7862/A.10190A (Gallivan/O'Donnell), Veto Memo 293.** Relates to duties of certain parole officers

## **CRIME VICTIMS, CRIME AND CORRECTION LEGISLATION PASSED BY THE SENATE**

**S.22 (LaValle).** Requires school districts, upon notification from law enforcement agencies, to notify residents of sex offenders living in the district

**S.449 (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.712 (Avella).** Relates to the timing of risk level determination hearings for certain convicted sex offenders

**S.833 (Robach).** Prohibits level three sex offenders from living in college housing

**S.845 (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.869 (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

**S.1483A (LaValle).** Increases from twenty-four to sixty months, the time for which reconsideration for parole for a violent felony offense shall be determined

**S.1520 (Klein).** Prohibits sex offenders whose victim was a child and level 3 sex offenders from knowingly being within 1,000 feet of a facility where pre-kindergarten or kindergarten instruction is provided

**S.1583 (Nozzolio).** Permits correction officers to be color blind

**S.1943 (Golden).** Prohibits registered sex offenders from working with children

**S.1959A (Robach).** Requires certain level three sex offenders to wear an electronic monitoring device for life

**S.1963 (Robach).** Relates to limiting eligibility for limited credit times allowances to those inmates having completed eighty percent of their original sentence

**S.2064B (Young).** Limits temporary detention of defendants in violation of their release in a local correctional facility to 72 hours before transfer to state custody

**S.2386A (Gianaris).** Requires registered sex offenders to personally appear at the law enforcement agency having jurisdiction for purpose of having a photograph taken; repealer

**S.2885 (Ranzenhofer).** Relates to prohibiting sex offenders from residing in community residences

**S.2950 (Murphy).** Relates to sex offender residence limitation

**S.2981 (Ortt).** Creates a definition of residence under the sex offender registry act

**S.3094 (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

**S.3223A (Carlucci).** In relation to sex offender's notice of residency requirements

**S.3388A (Lanza).** Enacts "Cesar's law" to require the retaking of parolees who abscond from the supervision of the state board of parole

**S.3622 (Ortt).** Requires the employment address of certain sex offenders to be reported to the division of criminal justice services

**S.3627 (Ortt).** Prohibits any sex offender from residing within a quarter mile of any school, playground, park or building in which child day care is provided

**S.3667 (Savino).** Enables victims to view parole hearings via closed circuit television or a secure online website

**S.3811 (Lanza).** Requires website providing sex offender registry information to be searchable by the zip code of a registrant's employment

**S.3818 (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.4153 (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.4511 (Lanza).** Increases the in-person appearance requirements for level two sex offenders

**S.4514 (Lanza).** Provides that certain sex offenders who are released on parole or sentenced to probation may not enter public, association or free libraries

**S.4765 (Funke).** Makes the failure of a sex offender to appear at his or her registration determination hearing a class D felony

**S.4776A (Funke).** Expands the amount of information available about registered sex offenders on the division of criminal justice services website

**S.4890A (Avella).** Directs the commissioner of corrections and community supervision to establish standards for the distance from school grounds of the residence of certain sex offenders on probation or parole

**S.4953 (Venditto).** 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.5000B (Golden).** Restricts a registered sex offender from residing within 1000 feet of school grounds or a playground

**S.6066A (Venditto).** Relates to sex offender registration and residency restrictions

**S.6222C (Ritchie).** Relates to prohibiting civilian drone use within 1000 ft of a correctional facility

**S.6689 (Serino).** Requires sex offenders to verify their residence and registration on a biannual basis

## **DIED ON 3<sup>RD</sup> READING CALENDAR**

**S.1085 (Marchione).** Requires legislative approval for the closure of correctional facilities and institutions

**S.5978A (Gallivan).** Enacts the "prison privilege limitation act"

**S.6351 (Murphy).** Increases from 20 years to 30 years, the period during which sex offenders classified as level 1 must register with the division of criminal justice services

## **DIED IN FOLLOWING COMMITTEE ON REFERENCE**

### **Finance**

**S.982 (Montgomery).** Authorizes a sentence of conditional discharge pending completion of a substance abuse treatment program for first and second time drug possessors

**S.1474 (Rivera).** Establishes a pilot project for the placement of inmates close to home

**S.2042 (Hassell-Thompson).** Increases access to substance abuse programming for prisoners whose first language is not English

**S.2394 (Ritchie).** Requires the commissioner of correctional services to enter into agreements to house local inmates to alleviate overcrowding in local correctional facilities

### **Rules**

**S.1833A (Ritchie).** Requires adequate staffing at correctional facilities





New York State Senator  
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