

STATE OF NEW YORK

7277

IN SENATE

April 10, 2006

Introduced by Sen. JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the executive law, in relation to requiring the state board of parole to provide notice to the appropriate local social services district upon the release, parole or release to post-release supervision of a level two or three sex offender; and to repeal section 72-c of the correction law relating to requiring the department of correctional services to provide such notice

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

1 Section 1. Section 259-c of the executive law is amended by adding a
2 new subdivision 16 to read as follows:

3 16. have the duty, prior to the release, parole or release to post-re-
4 lease supervision of an inmate designated a level two or three sex
5 offender pursuant to the sex offender registration act, to provide
6 notification to the local social services district in the county in
7 which the inmate expects to reside, when information available to the
8 board pursuant to section one hundred sixty-eight-e of the correction
9 law or any other pre-release procedures indicates that such inmate is
10 likely to seek to access local social services for homeless persons. The
11 board shall provide such notice, when practicable, thirty days or more
12 before such inmate's release, but in any event, in advance of such
13 inmate's arrival in the jurisdiction of such local social services
14 district.

15 § 2. Section 72-c of the correction law is REPEALED.

16 § 3. This act shall take effect immediately and shall be deemed to
17 have been in full force and effect on and after October 1, 2005.

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

LBD14876-01-6

NEW YORK STATE SENATE INTRODUCER'S MEMORANDUM IN SUPPORT submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER: S7277

SPONSOR: JOHNSON

TITLE OF BILL:

An act to amend the executive law, in relation to requiring the state board of parole to provide notice to the appropriate local social services district upon the release, parole or release to post-release supervision of a level two or three sex offender; and to repeal section 72-c of the correction law relating to requiring the department of correctional services to provide such notice

PURPOSE:

To effectuate a Chapter amendment to Chapter 400 of the Laws of 2005 pursuant to a three way agreement between the Senate, Assembly and Governor.

SUMMARY OF PROVISIONS:

Section 1 of the bill adds a new subdivision 16 to Section 259-c of the executive law that would require the Division of Parole to provide notification to the local social service district of the release, parole or release to post-release supervision of an inmate designated a level two or three sex offender when an inmate is expected to seek access to local social services for homeless persons. The board is expected to provide such notice, when practicable, thirty days or more before the inmates release.

Section 2 of the bill repeals section 72-c of the correction law.

Section 3 of the bill is the effective date.

EXISTING LAW:

Chapter 410 of the Laws of 2005 requires the Department of Correctional Services to provide the notice called for in this bill.

JUSTIFICATION:

Chapter 400 of the Laws of 2005 amended the Correction Law to require the Department of Correctional Services (DOCS), prior to the release of an inmate designated a level 2 or level 3 sex offender expected upon release to require social services housing as a homeless person, to provide notice to the social services district of the county in which the inmate expects to reside. However, Chapter 400 inappropriately places discharge/housing responsibility on DOCS instead of the Division of Parole. It is the Division of Parole ("Parole") and not DOCS that sets the conditions for release and bears responsibility for the oversight of an inmate being released prior to the maximum expiration of sentence. This Chapter amendment would address this issue by deleting the provision from the Correction Law and instead adding it to the Executive Law as a mandated responsibility of Parole. In addition, the chapter amendment would delete references to responsibilities regarding inmates being "discharged" from DOCS.

LEGISLATIVE HISTORY:

See Chapter 400 of the Laws of 2005.

FISCAL IMPLICATIONS:

The cost associated with notice would shift from DOCS to Parole.

EFFECTIVE DATE:

This act shall take effect immediately and shall be deemed to have been in full force and effect on and after October 1, 2005.
