



NEW YORK STATE SENATOR

Patrick M. Gallivan

Senator Gallivan Joins Colleagues in Unveiling Victims' Justice Agenda

JIM RANNEY May 3, 2019

| ISSUE: **CRIMINAL JUSTICE, CRIME VICTIMS**



Senator Patrick M. Gallivan (R-C-I, Elma) joined The New York State Senate Minority Conference today in standing up for crime victims, their families, and law-abiding New Yorkers with the unveiling of its “Victims’ Justice Agenda.”

The comprehensive package of legislation aims to reform the parole system to keep violent criminals behind bars without parole and ease the parole process for suffering

victims, families and the public.

The so-called “reforms” made to the justice system have been panned by law enforcement, prosecutors, and justice experts who were cut out of the decision making process by members of the Senate Majority, who adopted bail, speedy trial, and discovery reforms without input. The new Senate Majority is also pushing legislation to grant parole hearings for inmates who have served 15 years once they reach their 55th birthday, regardless of what crime the individual committed.

“As someone who has spent much of my life in law enforcement, I am very concerned about some of the criminal justice changes advocated by many of my Legislative colleagues,” Senator Gallivan said. “One of the most important responsibilities we have as elected officials is to keep New York residents safe and to ensure our laws hold perpetrators who commit violent crime responsible for their actions and provide justice for crime victims and their families. Any changes to our criminal justice system must be carefully examined and balanced to include tougher penalties for repeat offenders and to protect the rights of crime victims.”

Members of the Senate Minority unveiled the legislation in the wake of so-called “reforms” that favor criminals and the recent high-profile parole of radical left-wing, domestic terrorist Judith Clark who participated in the Brinks heist that left two police officers and a security guard dead. For every Judith Clark and for every criminal, there are far more victims who suffer for years and possibly for a lifetime because of criminal actions. Restoring balance to the justice system means addressing the lingering wounds inflicted on those impacted by serious, violent crime.

The Victims’ Justice Agenda includes the following bills:

S1745 – Sponsored by Senator Gallivan - Provides that any person interested in the grant or denial of discretionary release shall have the right to submit a written statement of views in support of or in opposition to the granting of discretionary release which the parole board may consider.

S1995 - Provides that the sentence for murder in the first degree shall be life imprisonment without parole.

S357 - Authorizes imposition of life imprisonment without parole sentence for persistent violent felony offenders upon conviction of a violent felony offense when such person has previously been subjected to two or more predicate violent felony convictions.

S1410 - Requires that all comments and testimony made by a third party either in support or opposition in a parole hearing shall be considered when coming to a decision; adds provisions relating to confidentiality of victim statements.

S4127 - Requires that all victim impact statements in New York State be video recorded; requires that the members of the parole board review all relevant victim impact statements prior to the conduct of a parole hearing

S5320 - Requires unanimous consent of the Parole Board to release an inmate on parole.

S3734 - Requires inmates to have an acceptable residence to qualify for parole.

S4354 - Enacts "Lorraine's Law"; increases from twenty-four to sixty months, the time for which reconsideration for parole for a violent felony offense shall be determined.

S3268 - Enacts "Cesar's law" to require the retaking of parolees, who abscond from the supervision of the state board of parole.

S4644 - Enacts "The Domestic Violence Protection Act - Brittany's Law" requiring registration of violent felony offenders; sets forth duties of the division of criminal justice services; establishes a special telephone number; requires the division to maintain a subdirectory of violent predators.

S1406 - "Clara's Law" Requires health care facilities to report incidents of a sexual offense to the departments of health and education.

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RELATED LEGISLATION

2019-S1745

- Introduced

- ◦ In Committee Assembly
 - In Committee Senate

- ◦ On Floor Calendar Assembly
 - On Floor Calendar Senate

- ◦ Passed Assembly

- Passed Senate

- Delivered to Governor

- Signed By Governor

-

Relates to third party statements to the parole board

January 16, 2019

In Senate Committee [Crime Victims, Crime and Correction](#)

Sponsored by [Patrick M. Gallivan](#)

Do you support this bill?

2019-S1995

- Introduced

 - ◦ In Committee Assembly
 - In Committee Senate

 - ◦ On Floor Calendar Assembly
 - On Floor Calendar Senate

 - ◦ Passed Assembly
 - Passed Senate
-

- Delivered to Governor
- Signed By Governor
-

Provides that the sentence for murder in the first degree shall be life imprisonment without parole; repealer

January 18, 2019

In Senate Committee [Codes](#)

Sponsored by [Betty Little](#)

Do you support this bill?

2019-S357

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate

- Delivered to Governor
- Signed By Governor
-

Authorizes imposition of life imprisonment without parole sentence for persistent violent felony offenders; repealer

January 03, 2019

In Senate Committee [Codes](#)

Sponsored by [James Tedisco](#)

Do you support this bill?

2019-S1410

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate

- Delivered to Governor
- Signed By Governor
-

Relates to testimonies in parole hearings

January 14, 2019

In Senate Committee [Crime Victims, Crime and Correction](#)

Sponsored by [Patty Ritchie](#)

Do you support this bill?

2019-S4127

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate
- Delivered to Governor

- Signed By Governor

-

Requires that all victim impact statements in New York state be video recorded; requires that the members of the parole board review all relevant victim impact statements prior to the conduct of a parole hearing

March 01, 2019

In Senate Committee [Codes](#)

Sponsored by [James Tedisco](#)

Do you support this bill?

2019-S5320

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate

- Delivered to Governor
- Signed By Governor
-

Requires unanimous agreement by the parole board to release an inmate on parole

April 25, 2019

In Senate Committee [Crime Victims, Crime and Correction](#)

Sponsored by [Robert Antonacci](#)

Do you support this bill?

2019-S3734

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate
- Delivered to Governor

- Signed By Governor

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Requires inmates to have an acceptable residence to qualify for parole

February 13, 2019

In Senate Committee [Crime Victims, Crime and Correction](#)

Sponsored by [Kenneth P. LaValle](#)

Do you support this bill?

2019-S4354

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor

-

Increases from twenty-four to sixty months, the time for which reconsideration for parole for a violent felony offense shall be determined

March 08, 2019

In Senate Committee [Crime Victims, Crime and Correction](#)

Sponsored by [Kenneth P. LaValle](#)

Do you support this bill?

2019-S3268

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor

- Enacts "Cesar's law" to require the retaking of parolees who abscond from the supervision of the state board of parole

February 05, 2019

In Senate Committee [Crime Victims, Crime and Correction](#)

Sponsored by [Andrew J. Lanza](#)

Do you support this bill?

2019-S4644

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor

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Enacts "The Domestic Violence Protection Act - Brittany's Law" requiring registration of violent felony offenders

March 19, 2019

Stricken

Sponsored by [Pamela Helming](#)

Do you support this bill?

2019-S1406

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor

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Relates to requiring health care facilities to report incidents of a sexual offense to the departments of both health and education

January 14, 2019

In Senate Committee [Health](#)

Sponsored by [Pamela Helming](#)

Do you support this bill?