

DRAFT LBDC

A BUDGET BILL submitted by the Governor  
in accordance with Article VII of the Constitution

AN ACT to amend the executive law, in relation to the creation of  
a validated risk assessment instrument

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

1 Section 1. Paragraph (d) of subdivision 2 of section 530 of the execu-  
2 tive law, as added by section 4 of subpart B of part Q of chapter 58 of  
3 the laws of 2011, is amended to read as follows:

4 (d) (i) Notwithstanding any provision of law or regulation to the  
5 contrary, any information or data necessary for the development,  
6 completion, validation or revalidation of the detention risk assessment  
7 instrument shall be shared between local probation departments, the  
8 division of criminal justice services and, where authorized by the divi-  
9 sion, any entity under contract with the division to provide information  
10 technology services, the office, and any entity under contract with the  
11 office to provide services relating to the development, completion,  
12 validation or revalidation of the detention risk assessment instrument.

13 (ii) Data collected for the purposes of completing the detention risk  
14 assessment instrument from any source other than an officially docu-  
15 mented record shall be confirmed as soon as practicable. Should any data  
16 originally utilized in completing the risk assessment instrument be  
17 found to conflict with the officially documented record, the risk  
18 assessment instrument shall be completed with the officially documented  
19 data and any corresponding revision to the risk categorization shall be  
20 made. The office shall periodically revalidate any approved risk assess-  
21 ment instrument. The office shall conspicuously post any approved

1 detention risk assessment instrument on its website and shall confer  
2 with appropriate stakeholders, including but not limited to, attorneys  
3 for children, presentment agencies, probation, and the family court,  
4 prior to revising any validated risk assessment instrument. Any such  
5 revised risk assessment instrument shall be subject to periodic empir-  
6 ical validation.

7 § 2. This act shall take effect immediately.

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