
 <p>NEW YORK STATE Corrections and Community Supervision</p> <p>DIRECTIVE</p>	TITLE Sexual Assault Reform Act (SARA) Mandatory Condition		NO. 8305
			DATE 12/29/2015
SUPERSEDES DIR# 8305 Dtd. 04/24/2015	DISTRIBUTION A B	PAGES PAGE 1 OF 2	DATE LAST REVISED
REFERENCES (Include but are not limited to) Executive Law §259-c(14)	APPROVING AUTHORITY 		

- I. **DESCRIPTION:** This policy provides direction regarding the condition of release to community supervision required by the Sexual Assault Reform Act (SARA) and referenced in Executive Law §259-c(14). This condition applies to any offender released to community supervision on or after February 1, 2001, who has been designated level three (3) sex offender or offender serving one or more sentences (including Juvenile Offenders and Youthful Offenders) for certain specified offenses (see Attachment A).
- II. **POLICY:** It is the policy of the Department of Corrections and Community Supervision (DOCCS) to identify persons being released on parole, conditional release, local conditional release, and post-release supervision appropriate for imposition of a mandatory condition of supervision pursuant to Executive Law §259-c(14) and to impose the condition (see [Form #8305A](#), "Mandatory Condition of Release to Parole Supervision") at the time of release or other point of eligibility determination.
- III. **FACILITY OPERATIONS**
 - A. Offender Rehabilitation Coordinators/Supervising Offender Rehabilitation Coordinators will review cases in preparation for scheduled Parole Board interviews and reviews to determine whether a particular case should be identified to the Parole Board for imposition of the mandatory condition. Where identified, the requirement for imposition of the mandatory condition must be noted on the Parole Board Report or other report prepared for the Parole Board. The inmate is to be notified regarding the mandatory condition during the pre-Board and/or pre-release interview. Where there is no opportunity for Parole Board action prior to release, facility staff must impose the condition after making a request to the Board of Parole and receiving approval. Eligible cases include those found in Attachment A.
 - B. Facility staff must ensure the condition is entered in the Guidelines Entry System (GES), noted in the Case Management System (CMS), and recorded on the release documents.
- IV. **FIELD OPERATIONS**
 - A. Parole Officers/Senior Parole Officers will review cases under supervision to ensure that any eligible case (see Attachment A) has the mandatory condition imposed. Since Sex Offender Registry risk levels may be determined post-release, or may be modified by a Court, staff must monitor this on an on-going basis and take action as appropriate.
 - B. If it is found that the case does not have the required SARA condition, the Parole Officer must impose it by providing the parolee with a written copy and documenting it in CMS.

**NYS SEXUAL ASSAULT REFORM ACT (SARA) - CHAPTER 1 OF THE LAWS OF 2000
EXECUTIVE LAW §259-c SUBDIVISION 14**

EXECUTIVE LAW §259-c, SUBDIVISION 14 REQUIRES THE BOARD OF PAROLE TO IMPOSE THE MANDATORY CONDITION OF RELEASE UPON ALL OFFENDERS WHO ARE RELEASED TO THE COMMUNITY ON OR AFTER 2/01/2001 WHO ARE LEVEL 3 SEX OFFENDER REGISTRANTS OR OFFENDERS SERVING ONE OR MORE SENTENCES (INCLUDING JUVENILE OFFENDERS AND YOUTHFUL OFFENDERS) FOR THE FOLLOWING SPECIFIED OFFENSES (INCLUDES AN ATTEMPT TO COMMIT ANY OF THE FOLLOWING) WHERE THE VICTIM WAS UNDER THE AGE OF 18 AT THE TIME OF THE OFFENSE:

SECTION	CRIME	CLASS	SECTION	CRIME	CLASS
130.20	Sexual Misconduct	A Misdemeanor	130.95	Predatory Sexual Assault	A-II Felony
130.25	Rape – 3 rd	E Felony	130.96	Predatory Sexual Assault Against a Child	A-II Felony
130.30	Rape – 2 nd	D Felony	135.05	Unlawful Imprisonment - 2 nd	A Misdemeanor
130.35	Rape – 1 st	B Felony	135.10	Unlawful Imprisonment - 1 st	E Felony
130.40	Sodomy – 3 rd / Criminal Sexual Act 3 rd	E Felony	135.20	Kidnapping - 2 nd	B Felony
130.45	Sodomy – 2 nd / Criminal Sexual Act 2 nd	D Felony	135.25	Kidnapping – 1 st	A-1 Felony
130.50	Sodomy – 1 st / Criminal Sexual Act 1 st	B Felony	135.35	Labor Trafficking	D Felony
130.52	Forcible Touching	A Misdemeanor	135.45	Custodial Interference – 2 nd	A Misdemeanor
130.53	Persistent Sexual Abuse	E Felony	135.50	Custodial Interference – 1st	E Felony
130.55	Sexual Abuse – 3 rd	B Misdemeanor	135.55	Substitution of Children	E Felony
130.60	Sexual Abuse – 2 nd	A Misdemeanor	135.60	Coercion – 2 nd	A Misdemeanor
130.65	Sexual Abuse – 1 st	D Felony	135.65	Coercion – 1st	D Felony
130.65-a	Aggravated Sexual Abuse – 4 th	E Felony	255.25	Incest -3 rd	E Felony
130.66	Aggravated Sexual Abuse – 3 rd	D Felony	255.26	Incest -2 nd	D Felony
130.67	Aggravated Sexual Abuse – 2 nd	C Felony	255.27	Incest- 1 st	B Felony
130.70	Aggravated Sexual Abuse – 1 st	B Felony	263.05	Use of a Child In a Sexual Performance	C Felony
130.75	Course of Sexual Conduct Against a Child – 1 st	B Felony	263.10	Promoting An Obscene Sexual Performance By A Child	D Felony
130.80	Course of Sexual Conduct Against a Child – 2 nd	D Felony	263.11	Possessing An Obscene Sexual Performance By A Child	E Felony
130.85	Female Genital Mutilation	E Felony	263.15	Promoting A Sexual Performance By A Child	D Felony
130.90	Facilitating a Sex Offense With a Controlled Substance	D Felony	263.16	Possessing A Sexual Performance By A Child	E Felony
130.91	Sexually Motivated Felony	Felony level same as specified offense	263.30	Facilitating A Sexual Performance by a Child with a Controlled Substance or Alcohol	B Felony