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|  Corrections and Community Supervision DIRECTIVE | TITLE Sexual Assault Reform Act (SARA) Mandatory Condition | | NO. 8305 |
| | | | DATE 2/1/2018 |
| SUPERSEDES DIR #8305 Dtd. 12/29/15 | DISTRIBUTION A B | PAGES PAGE 1 OF 2 | DATE LAST REVISED |
| REFERENCES (Include but are not limited to) Executive Law §259-c(14); Sexual Assault Reform Act | 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-SC 28), 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)
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 |

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