

4092

2011-2012 Regular Sessions

I N   S E N A T E

March 17, 2011

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Introduced by Sen. SALAND -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to expanding the number of a victim's family members who may speak at the sentencing of a defendant

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. This act shall be known and may be cited as the "victims'  
2     voices for justice act".  
3     S 2. Subparagraph 2 of paragraph (a) of subdivision 2 of section  
4     380.50 of the criminal procedure law, as separately amended by chapters  
5     173 and 198 of the laws of 1996, is amended to read as follows:  
6     (2) if such victim is unable or unwilling to express himself or  
7     herself before the court or a person so mentally or physically disabled  
8     as to make it impracticable to appear in court in person or the victim  
9     is deceased, [a member] THEN MEMBERS of the family of such victim  
10    INCLUDING THE SPOUSE, PARENTS, GRANDPARENTS, CHILDREN, GRANDCHILDREN,  
11    SIBLINGS, AUNTS AND UNCLES, or the legal guardian or representative of  
12    the legal guardian of the victim where such guardian or representative  
13    has personal knowledge of and a relationship with the victim, unless the  
14    court finds that it would be inappropriate for such person to make a  
15    statement on behalf of the victim. FOR THE PURPOSES OF THIS SUBPARA-  
16    GRAPH, THE TERM "SPOUSE" SHALL ALSO INCLUDE A DOMESTIC PARTNER. THE  
17    TERM "DOMESTIC PARTNER" MEANS A PERSON WHO RESIDED WITH THE VICTIM AND  
18    WHO CAN PROVE EMOTIONAL AND FINANCIAL COMMITMENT, AND INTERDEPENDENCE  
19    BETWEEN SUCH PERSON AND THE VICTIM.  
20    S 3. This act shall take effect immediately.

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

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