

STATE OF NEW YORK

4992

2023-2024 Regular Sessions

IN ASSEMBLY

February 27, 2023

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to allowing evidence of a defendant's prior sexual assault to be admissible in a sexual assault proceeding

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

1 Section 1. The criminal procedure law is amended by adding a new
2 section 60.77 to read as follows:

3 § 60.77 Rules of evidence; admissibility of defendant committing a prior
4 sexual assault in a sexual assault case.

5 1. In a criminal proceeding in which a defendant is accused of a sexu-
6 al assault, the court may admit evidence that the defendant committed
7 any other sexual assault. Such evidence may be considered on any matter
8 to which it is relevant.

9 2. If the prosecutor intends to offer evidence that the defendant
10 committed any other sexual assault, the prosecutor must disclose it to
11 the defendant, including witnesses' statements or a summary of the
12 expected testimony. The prosecutor must do so at least fifteen days
13 before trial or at a later time that the court allows for good cause.

14 3. For purposes of this section, "sexual assault" shall include any
15 offense defined in article one hundred thirty of the penal law.

16 § 2. This act shall take effect on the thirtieth day after it shall
17 have become a law.

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

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