

STATE OF NEW YORK

10035

IN ASSEMBLY

January 30, 2026

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

AN ACT to amend the criminal procedure law, in relation to the effect
the death of a defendant has on a pending appeal

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

1 Section 1. The criminal procedure law is amended by adding a new
2 section 470.65 to be read as follows:

3 § 470.65 Effect of death of defendant.

4 1. Notwithstanding any other provision of law to the contrary, where a
5 defendant dies, irrespective of cause, while a direct appeal is pending,
6 such appeal shall be dismissed pursuant to this section, and the judg-
7 ment against such defendant as imposed by the trial court shall remain
8 in effect. In such case, when dismissing the appeal, the court shall
9 acknowledge in the court record that the defendant's presumption of
10 innocence was removed as a result of the judgment of conviction and such
11 conviction was neither affirmed nor reversed.

12 2. Where a conviction was previously vacated as a result of the death
13 of a defendant while an appeal was pending, the people may apply to the
14 applicable appellate division to reinstate the conviction and dismiss
15 the previously filed appeal pursuant to subdivision one of this section.
16 In such case, the applicable appellate division shall grant the people's
17 application and reinstate such conviction.

18 § 2. This act shall take effect immediately; provided, however, that
19 the provisions of section one of this act shall only apply to
20 convictions that were vacated prior to the effective date of this act.

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

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