STATE OF NEW YORK

53--A

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. PAULIN, DINOWITZ, BURDICK, RAGA, SIMON, GLICK, HEVESI, SHIMSKY, SANTABARBARA, ROSENTHAL, SEAWRIGHT, CONRAD, KIM, COLTON, LEE, PHEFFER AMATO, SIMONE, EACHUS, ZACCARO, LEVENBERG, McDONOUGH, HUNTER, ROZIC, BARRETT, STIRPE, CLARK, BUTTENSCHON, STERN, LAVINE -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law, in relation to allowing evidence of a defendant's prior crimes or acts to be admissible in a criminal case for certain purposes

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

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

§ 60.77 Rules of evidence; admissibility of other crimes or acts.

1. In general, evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, state of mind of the defendant, state of mind of the victim or other party, absence of mistake or accident, identity, modus operandi, or common scheme or plan, provided that the prosecution in a criminal case shall provide reasonable notice in advance of trial, or during trial if the court excuses pretrial notice on good cause shown, of the general nature of any such evidence it intends to introduce at trial.

2. In a criminal case in which the defendant is accused of a sexual offense, evidence of the defendant's commission of another sexual offense or offenses is admissible, and may be considered for its bearing on any matter to which it is relevant. This rule shall not be construed

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

LBD00322-04-5

to limit the admission or consideration of evidence under any other rule.

3. The court, in its discretion, may exclude evidence described in this section if its probative value is outweighed by the probability that its admission will create undue prejudice to the defendant.

4. For purposes of this section, "sexual offense" shall include an act committed in any jurisdiction that involves conduct proscribed by any section of article one hundred thirty of the penal law, or by section 230.34 or 230.34-a of the penal law, or an attempt or conspiracy to engage in such an act.

§ 2. This act shall take effect immediately.