

# STATE OF NEW YORK

390

2025-2026 Regular Sessions

## IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. PALUMBO, GALLIVAN, O'MARA -- 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 permitting at the discretion of the court certain family members of a victim who is deceased to read statements in court during 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. Subparagraph 2 of paragraph (a) of subdivision 2 of section  
2 380.50 of the criminal procedure law, as separately amended by chapters  
3 173 and 198 of the laws of 1996, is amended to read as follows:  
4 (2) if such victim is unable or unwilling to express [~~himself or~~  
5 ~~herself~~] themselves before the court or a person so mentally or physically  
6 disabled as to make it impracticable to appear in court in person or the  
7 victim is deceased, a member of the family of such victim, except that  
8 where such victim is deceased and survived by both a spouse and a parent  
9 or parents, the court in its sole discretion may allow a spouse or  
10 parent or, upon consultation with counsel for the defendant and the  
11 people, allow both to make a statement on behalf of such victim, or the  
12 legal guardian or representative of the legal guardian of the victim  
13 where such guardian or representative has personal knowledge of and a  
14 relationship with the victim, unless the court finds that it would be  
15 inappropriate for such person or persons to make a statement on behalf  
16 of the victim.  
17 § 2. 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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