S T A T E O F N E W Y O R K

2886

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. KOON, HOOPER, ORTIZ, COLTON, ABBATE -- Multi-Sponsored by -- M. of A. DelMONTE, DINOWITZ, GALEF, P. RIVERA, ROBINSON, SCHIMMINGER, WEISENBERG -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to the presence at time of sentencing of victim representation

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

Section 1. Subparagraph 2 of paragraph (a) of subdivision 2 of section 380.50 of the criminal procedure law, as separately amended by chapters 173 and 198 of the laws of 1996, is amended to read as follows:

(2) if such victim is unable or unwilling to express himself or herself before the court or a person so mentally or physically disabled as to make it impracticable to appear in court in person or the victim is deceased, [a member] THE MEMBERS of the family of such victim INCLUDING THE SPOUSE, DOMESTIC PARTNER, PARENTS, GRANDPARENTS, CHILDREN, GRANDCHILDREN, SIBLINGS, AUNTS AND UNCLES, or the legal guardian or representative of the legal guardian of the victim where such MEMBERS OF THE FAMILY, guardian or representative has personal knowledge of and a relationship with the victim, unless the court finds that it would be inappropriate for such person to make a statement on behalf of the victim.

S 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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