

3897

2009-2010 Regular Sessions

I N   A S S E M B L Y

January 28, 2009

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

AN ACT to amend the criminal procedure law and the family court act, in  
relation to a victim's right of access to information in certain  
proceedings

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

1     Section 1. Section 1.20 of the criminal procedure law is amended by  
2     adding a new subdivision 44 to read as follows:

3     44. "VICTIM" MEANS A PERSON AS DEFINED IN SUBDIVISION SEVEN OF SECTION  
4     10.00 OF THE PENAL LAW ALLEGED TO HAVE SUSTAINED PHYSICAL INJURY TO  
5     PERSON OR FINANCIAL DAMAGE TO PROPERTY AS A DIRECT RESULT OF THE CRIME  
6     OR CRIMES CHARGED IN AN ACCUSATORY INSTRUMENT.

7     S 2. The criminal procedure law is amended by adding a new article 235  
8     to read as follows:

9     ARTICLE 235

10    VICTIM'S RIGHT TO DISCLOSURE  
11    OF THE ACCUSED'S CASE STATUS

12     SECTION 235.10 VICTIM'S RIGHT OF ACCESS.

13     S 235.10 VICTIM'S RIGHT OF ACCESS.

14     1. A VICTIM OF A CRIME MAY OBTAIN UPON DEMAND FROM THE PROSECUTOR,  
15     INFORMATION CONCERNING THE STATUS OF THE ACCUSED'S CASE FROM THE TIME OF  
16     ARRAIGNMENT TO SENTENCING.

17     2. A VICTIM HAS THE RIGHT TO KNOW WHAT PLEA THE ACCUSED HAS ENTERED.

18     3. A VICTIM HAS THE RIGHT TO KNOW WHAT TRIAL DATE HAS BEEN ASSIGNED  
19     FOR TRYING THE ACCUSED.

20     4. A VICTIM HAS THE RIGHT TO KNOW IF THE ACCUSED'S CASE HAS BEEN  
21     TRANSFERRED TO A COURT OTHER THAN THE ORIGINAL ONE WHERE THE ACCUSED  
22     ENTERED HIS/HER PLEA.

23     S 3. The family court act is amended by adding a new section 340.3 to  
24     read as follows:

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

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1 S 340.3. VICTIM'S RIGHT OF ACCESS TO DISCLOSURE OF THE ACCUSED'S CASE  
2 STATUS. 1. "VICTIM" MEANS AN INDIVIDUAL, A CORPORATION, AN UNINCORPORAT-  
3 ED ASSOCIATION, A PARTNERSHIP, OR A GOVERNMENTAL AGENCY OR INSTRUMENTAL-  
4 ITY ALLEGED TO HAVE SUSTAINED PHYSICAL INJURY TO PERSON OR FINANCIAL  
5 DAMAGE TO PROPERTY AS A DIRECT RESULT OF THE CRIME OR CRIMES CHARGED IN  
6 AN ACCUSATORY INSTRUMENT, AS THAT TERM IS DEFINED IN SUBDIVISION ONE OF  
7 SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW.

8 2. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER TO THE CONTRARY, THE  
9 VICTIM SHALL HAVE THE RIGHT TO REQUEST PARTICIPATION IN THE PROCEEDINGS,  
10 AND SUCH REQUEST SHALL BE GRANTED BY THE COURT UNLESS IT CAN BE SHOWN  
11 FOR GOOD CAUSE THAT SUCH PARTICIPATION WOULD INHIBIT THE JUDICIAL  
12 PROCEEDINGS.

13 3. A VICTIM MAY OBTAIN UPON DEMAND FROM THE AGENCY RESPONSIBLE FOR THE  
14 PROSECUTION OF THE ACCUSED, INFORMATION CONCERNING THE STATUS OF THE  
15 ACCUSED'S CASE FROM THE TIME OF ARRAIGNMENT TO SENTENCING.

16 4. A VICTIM HAS THE RIGHT TO KNOW WHAT PLEA THE ACCUSED HAS BEEN  
17 OFFERED.

18 5. A VICTIM HAS THE RIGHT TO KNOW WHAT HEARING OR TRIAL DATE HAS BEEN  
19 ASSIGNED FOR TRYING THE ACCUSED.

20 6. NOTWITHSTANDING THE PROVISIONS OF SECTION 341.1 OF THIS ARTICLE,  
21 THE VICTIM HAS THE RIGHT TO ATTEND THE HEARING AND/OR TRIAL.

22 S 4. This act shall take effect on the one hundred eightieth day after  
23 it shall have become a law.