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

1022

2009-2010 Regular Sessions

I N S E N A T E

January 22, 2009

Introduced by Sen. KRUGER -- 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 the use of pre-sentence investigation reports

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

Section 1. Section 390.20 of the criminal procedure law is amended by adding a new subdivision 5 to read as follows:

5. REASONS FOR DEVIATION FROM REPORT. WHENEVER THE COURT IMPOSES A SENTENCE WHICH DEVIATES FROM THE RECOMMENDED SENTENCE CONTAINED IN THE DEFENDANT'S PRE-SENTENCE REPORT, THE COURT SHALL STATE ON THE RECORD THE REASONS FOR SUCH DEVIATION.

S 2. This act shall take effect on the first day of the calendar month next succeeding the sixtieth day after it shall have become a law.

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

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