

4702

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. LEIBELL -- 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 requiring the sentencing judge to give due consideration to the age, health and disability of the victim of the crime before pronouncing sentence

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

1 Section 1. Section 380.50 of the criminal procedure law is amended by
2 adding a new subdivision 7 to read as follows:
3 7. BEFORE PRONOUNCING SENTENCE, THE COURT SHALL GIVE DUE CONSIDERATION
4 TO THE AGE, HEALTH AND DISABILITY OF THE VICTIM OF THE CRIME FOR WHICH
5 THE SENTENCE IS BEING IMPOSED.
6 S 2. Paragraph (b) of subdivision 3 of section 390.30 of the criminal
7 procedure law, as amended by chapter 618 of the laws of 1992, is amended
8 to read as follows:
9 (b) [The] WHENEVER THE OFFENSE INVOLVES A VICTIM, THE report shall
10 also contain a victim impact statement, unless it appears that such
11 information would be of no relevance to the recommendation or court
12 disposition, which shall include INFORMATION RELATING TO THE AGE, HEALTH
13 AND ANY DISABILITIES OF THE VICTIM AT THE TIME OF THE CRIME, an analysis
14 of the victim's version of the offense, the extent of injury or economic
15 loss and the actual out-of-pocket loss to the victim and the views of
16 the victim relating to disposition including the amount of restitution
17 and reparation sought by the victim after the victim has been informed
18 of the right to seek restitution and reparation, subject to the avail-
19 ability of such information. In the case of a homicide or where the
20 victim is unable to assist in the preparation of the victim impact
21 statement, the information may be acquired from the victim's family. The
22 victim impact statement shall be made available to the victim by the
23 prosecutor pursuant to subdivision two of section 390.50 of this arti-

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

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1 cle. Nothing contained in this section shall be interpreted to require
2 that a victim supply information for the preparation of this report.
3 S 3. This act shall take effect on the first of November next succeed-
4 ing the date on which it shall have become a law.