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

6905

2009-2010 Regular Sessions

I N A S S E M B L Y

March 13, 2009

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

AN ACT to amend the criminal procedure law, in relation to statements at the time of sentencing

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

Section 1. Subdivision 1 of section 380.50 of the criminal procedure law, as amended by chapter 307 of the laws of 1992, is amended to read as follows:

1. At the time of pronouncing sentence, the court must accord the prosecutor an opportunity to make a statement with respect to any matter relevant to the question of sentence. IF THERE IS A TEMPORARY ORDER OF PROTECTION AGAINST THE DEFENDANT PURSUANT TO SECTION 530.12 OR 530.13 OF THIS CHAPTER, THEN THE COURT MUST ASK THE PROSECUTOR TO MAKE A STATEMENT WHETHER HE OR SHE IS ALSO SEEKING A FINAL ORDER OF PROTECTION TO BE PART OF THE SENTENCE. The court must then accord counsel for the defendant an opportunity to speak on behalf of the defendant. The defendant also has the right to make a statement personally in his or her own behalf, and before pronouncing sentence the court must ask the defendant whether he or she wishes to make such a statement.

S 2. This act shall take effect on the first of November next succeeding the date on which 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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