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

2593

2009-2010 Regular Sessions

I N S E N A T E

February 25, 2009

Introduced by Sens. ADAMS, MONSERRATE -- 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 prohibiting the reduction of a felony charge where the victim of the felony was seventy years of age or older

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

Section 1. Paragraph (b) of subdivision 2 of section 180.50 of the criminal procedure law, as amended by chapter 481 of the laws of 1978, is amended to read as follows:

(b) If there is reasonable cause to believe that the defendant committed a felony in addition to the non-felony offense, the court may order a reduction of the charge to one for the non-felony offense only if (i) it is satisfied that such reduction is in the interest of justice, and (ii) the district attorney consents thereto; provided, however, that the court may not order such reduction where there is reasonable cause to believe that the defendant committed a class A felony, other than those defined in article two hundred twenty of the penal law, or any armed felony as defined in subdivision forty-one of section 1.20 OR WHERE THERE IS REASONABLE CAUSE TO BELIEVE THE DEFENDANT COMMITTED ANY FELONY AND THE VICTIM OF SUCH FELONY WAS SEVENTY YEARS OF AGE OR OLDER.

S 2. Subdivision 3 of section 180.70 of the criminal procedure law, as amended by chapter 481 of the laws of 1978, is amended to read as follows:

3. If there is reasonable cause to believe that the defendant committed a felony in addition to a non-felony offense, the court may, instead of ordering the defendant held for the action of a grand jury as provided in subdivision one, reduce the charge to one for such non-felony offense as provided in subdivision two, if (a) it is satisfied that such reduction is in the interest of justice, and (b) the district

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

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attorney consents thereto; provided, however, that the court may not order such reduction where there is reasonable cause to believe the defendant committed a class A felony, other than those defined in article two hundred twenty of the penal law, or any armed felony as defined in subdivision forty-one of section 1.20 OR WHERE THERE IS REASONABLE CAUSE TO BELIEVE THE DEFENDANT COMMITTED ANY FELONY AND THE VICTIM OF SUCH FELONY WAS SEVENTY YEARS OF AGE OR OLDER.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.