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

1713

2011-2012 Regular Sessions

I N A S S E M B L Y

January 11, 2011

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

AN ACT to amend the criminal procedure law, in relation to expanding the number of a victim's family members who may speak at the sentencing of a defendant

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

Section 1. This act shall be known and may be cited as the "victims' voices for justice act".

S 2. Subparagraph 2 of paragraph (a) of subdivision 2 of section 380.50 of the criminal procedure law, as separately amended by chapters 173 and 198 of the laws of 1996, is amended to read as follows:

(2) if such victim is unable or unwilling to express himself or herself before the court or a person so mentally or physically disabled as to make it impracticable to appear in court in person or the victim is deceased, [a member] THEN MEMBERS of the family of such victim INCLUDING THE SPOUSE, PARENTS, GRANDPARENTS, CHILDREN, GRANDCHILDREN, SIBLINGS, AUNTS AND UNCLES, or the legal guardian or representative of the legal guardian of the victim where such guardian or representative has personal knowledge of and a relationship with the victim, unless the court finds that it would be inappropriate for such person to make a statement on behalf of the victim. FOR THE PURPOSES OF THIS SUBPARAGRAPH, THE TERM "SPOUSE" SHALL ALSO INCLUDE A DOMESTIC PARTNER. THE TERM "DOMESTIC PARTNER" MEANS A PERSON WHO RESIDED WITH THE VICTIM AND WHO CAN PROVE EMOTIONAL AND FINANCIAL COMMITMENT, AND INTERDEPENDENCE BETWEEN SUCH PERSON AND THE VICTIM.

S 3. This act shall take effect immediately.

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

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