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

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I N A S S E M B L Y

February 16, 2012

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

AN ACT to amend the criminal procedure law, in relation to granting victims the right to attend criminal trials and pretrial proceedings

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

Section 1. Section 210.10 of the criminal procedure law is amended by adding a new subdivision 7 to read as follows:

7. THE VICTIM OR, IN A CASE INVOLVING A MINOR CHILD VICTIM OR A HOMICIDE, A FAMILY MEMBER OF THE VICTIM SHALL HAVE THE RIGHT TO BE PERSONALLY PRESENT AT THE ARRAIGNMENT OF THE DEFENDANT.

S 2. The criminal procedure law is amended by adding a new section 340.60 to read as follows:

S 340.60 VICTIM'S PRESENCE AT TRIAL.

THE VICTIM, EXCEPT A VICTIM WHO INTENDS TO GIVE TESTIMONY IN THE TRIAL, OR, IN A CASE INVOLVING A CHILD VICTIM OR A HOMICIDE, A FAMILY MEMBER OF THE VICTIM SHALL HAVE THE RIGHT TO BE PERSONALLY PRESENT AT SUCH TRIAL.

S 3. The criminal procedure law is amended by adding a new section 380.45 to read as follows:

S 380.45 VICTIM'S PRESENCE AT SENTENCING.

THE VICTIM OR, IN A CASE INVOLVING A CHILD VICTIM OR A HOMICIDE, A FAMILY MEMBER OF THE VICTIM SHALL HAVE THE RIGHT TO BE PERSONALLY PRESENT AT SENTENCING.

S 4. Subdivision 2 of section 400.10 of the criminal procedure law, as amended by chapter 263 of the laws of 1984, is amended to read as follows:

2. Attendance. Such conference may be held with the prosecutor and defense counsel in the absence of the defendant, or the court may direct that the defendant attend. The court may also direct that any person who has furnished or who can furnish information to the court concerning sentence attend. THE VICTIM, OR IN A CASE INVOLVING A MINOR CHILD OR A HOMICIDE, A FAMILY MEMBER OF THE VICTIM, SHALL HAVE THE RIGHT TO ATTEND. Reasonable notice of the conference must be given to the prosecutor and

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

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the defense counsel, who must be afforded an opportunity to participate therein.

S 5. The criminal procedure law is amended by adding a new section 530.15 to read as follows:

S 530.15 VICTIM'S PRESENCE AT BAIL PROCEEDING.

THE VICTIM, OR IN THE CASE OF A MINOR VICTIM OR A HOMICIDE, A FAMILY MEMBER OF THE VICTIM, SHALL HAVE THE RIGHT TO BE PHYSICALLY PRESENT AT ANY BAIL PROCEEDING.

S 6. Section 710.60 of the criminal procedure law is amended by adding a new subdivision 7 to read as follows:

7. THE VICTIM, OR IN THE CASE OF A MINOR VICTIM OR A HOMICIDE, A FAMILY MEMBER OF THE VICTIM, SHALL HAVE THE RIGHT TO BE PHYSICALLY PRESENT AT ANY SUPPRESSION HEARING RESULTING FROM A MOTION TO SUPPRESS EVIDENCE MADE BEFORE TRIAL OR DURING TRIAL.

S 7. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.