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I N   A S S E M B L Y

February 16, 2012

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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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 210.10 of the criminal procedure law is amended by  
2     adding a new subdivision 7 to read as follows:  
3     7. THE VICTIM OR, IN A CASE INVOLVING A MINOR CHILD VICTIM OR A HOMI-  
4     CIDE, A FAMILY MEMBER OF THE VICTIM SHALL HAVE THE RIGHT TO BE  
5     PERSONALLY PRESENT AT THE ARRAIGNMENT OF THE DEFENDANT.  
6     S 2. The criminal procedure law is amended by adding a new section  
7     340.60 to read as follows:  
8     S 340.60 VICTIM'S PRESENCE AT TRIAL.  
9     THE VICTIM, EXCEPT A VICTIM WHO INTENDS TO GIVE TESTIMONY IN THE  
10    TRIAL, OR, IN A CASE INVOLVING A CHILD VICTIM OR A HOMICIDE, A FAMILY  
11    MEMBER OF THE VICTIM SHALL HAVE THE RIGHT TO BE PERSONALLY PRESENT AT  
12    SUCH TRIAL.  
13    S 3. The criminal procedure law is amended by adding a new section  
14    380.45 to read as follows:  
15    S 380.45 VICTIM'S PRESENCE AT SENTENCING.  
16    THE VICTIM OR, IN A CASE INVOLVING A CHILD VICTIM OR A HOMICIDE, A  
17    FAMILY MEMBER OF THE VICTIM SHALL HAVE THE RIGHT TO BE PERSONALLY PRES-  
18    ENT AT SENTENCING.  
19    S 4. Subdivision 2 of section 400.10 of the criminal procedure law, as  
20    amended by chapter 263 of the laws of 1984, is amended to read as  
21    follows:  
22    2. Attendance. Such conference may be held with the prosecutor and  
23    defense counsel in the absence of the defendant, or the court may direct  
24    that the defendant attend. The court may also direct that any person  
25    who has furnished or who can furnish information to the court concerning  
26    sentence attend. THE VICTIM, OR IN A CASE INVOLVING A MINOR CHILD OR A  
27    HOMICIDE, A FAMILY MEMBER OF THE VICTIM, SHALL HAVE THE RIGHT TO ATTEND.  
28    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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1 the defense counsel, who must be afforded an opportunity to participate  
2 therein.

3 S 5. The criminal procedure law is amended by adding a new section  
4 530.15 to read as follows:

5 S 530.15 VICTIM'S PRESENCE AT BAIL PROCEEDING.

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

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

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

15 S 7. This act shall take effect on the first of November next succeed-  
16 ing the date on which it shall have become a law.