

751

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. YOUNG, BONACIC, DeFRANCISCO, JOHNSON, MAZIARZ,
RANZENHOFER -- 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 permitting at
the discretion of the court certain family members of a victim who is
deceased to read statements in court during the sentencing of a
defendant

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

1 Section 1. Subparagraph 2 of paragraph (a) of subdivision 2 of section
2 380.50 of the criminal procedure law, as separately amended by chapters
3 173 and 198 of the laws of 1996, is amended to read as follows:
4 (2) if such victim is unable or unwilling to express himself or
5 herself before the court or a person so mentally or physically disabled
6 as to make it impracticable to appear in court in person or the victim
7 is deceased, a member of the family of such victim, EXCEPT THAT WHERE
8 SUCH VICTIM IS DECEASED AND SURVIVED BY BOTH A SPOUSE AND A PARENT OR
9 PARENTS, THE COURT IN ITS SOLE DISCRETION MAY ALLOW A SPOUSE OR PARENT
10 OR, UPON CONSULTATION WITH COUNSEL FOR THE DEFENDANT AND THE PEOPLE,
11 ALLOW BOTH TO MAKE A STATEMENT ON BEHALF OF SUCH VICTIM, or the legal
12 guardian or representative of the legal guardian of the victim where
13 such guardian or representative has personal knowledge of and a
14 relationship with the victim, unless the court finds that it would be
15 inappropriate for such person OR PERSONS to make a statement on behalf
16 of the victim.
17 S 2. This act shall take effect immediately.

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

LBD02707-01-1