

1192

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. COLTON, HOOPER, ORTIZ, ABBATE -- Multi-Sponsored
by -- M. of A. DINOWITZ, GALEF, ROBINSON, SCHIMMINGER, WEISENBERG --
read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to the presence
at time of sentencing of victim representation

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] THE MEMBERS of the family of such victim INCLUD-
8 ING THE SPOUSE, DOMESTIC PARTNER, PARENTS, GRANDPARENTS, CHILDREN,
9 GRANDCHILDREN, SIBLINGS, AUNTS AND UNCLES, or the legal guardian or
10 representative of the legal guardian of the victim where such MEMBERS OF
11 THE FAMILY, guardian or representative has personal knowledge of and a
12 relationship with the victim, unless the court finds that it would be
13 inappropriate for such person to make a statement on behalf of the
14 victim.
15 S 2. This act shall take effect immediately.

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

LBD04146-01-3