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

5652

2013-2014 Regular Sessions

I N S E N A T E

May 31, 2013

Introduced by COMMITTEE ON RULES -- (at request of the Office of Court Administration) -- 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 appeals of orders modifying or enlarging conditions of probation

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

Section 1. Subdivision 3 of section 450.30 of the criminal procedure law is amended to read as follows:

3. An appeal from a sentence, within the meaning of this section and sections 450.10 and 450.20 OF THIS ARTICLE, means an appeal from [either] the sentence originally imposed or from a resentence following an order vacating the original sentence OR FROM A MODIFICATION OR ENLARGEMENT OF CONDITIONS OF PROBATION MADE PURSUANT TO SUBDIVISION ONE OF SECTION 410.20 OF THIS CHAPTER. For purposes of appeal, the judgment consists of the conviction and the original sentence only, and when a resentence occurs more than thirty days after the original sentence OR FROM A MODIFICATION OR ENLARGEMENT OF CONDITIONS OF PROBATION MADE PURSUANT TO SUBDIVISION ONE OF SECTION 410.20 OF THIS CHAPTER, a defendant who has not previously filed a notice of appeal from the judgment may not appeal from the judgment, but only from the resentence.

S 2. This act shall take effect immediately, and shall apply to all criminal proceedings pending on or after such effective date.

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

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