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

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2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

Introduced by Sens. HOYLMAN, SERRANO -- 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 enacting the Michael Sandy act

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

Section 1. This act shall be known and may be cited as the "Michael Sandy act".

S 2. The criminal procedure law is amended by adding a new section 60.77 to read as follows:

S 60.77 RULES OF EVIDENCE; ADMISSIBILITY OF EVIDENCE OF DEFENDANT AND VICTIM FALLING UNDER THE SAME PROTECTED CATEGORY IN HATE CRIME CASES.

EVIDENCE OF DEFENDANT HAVING THE SAME RACE, COLOR, NATIONAL ORIGIN, ANCESTRY, GENDER, RELIGION, RELIGIOUS PRACTICE, AGE, DISABILITY, SEXUAL ORIENTATION, OR OTHER CATEGORY, DEFINED IN ARTICLE FOUR HUNDRED EIGHTY-FIVE OF THE PENAL LAW, OF THE VICTIM MAY NOT BE ADMITTED IN A PROSECUTION FOR ANY OFFENSE, OR AN ATTEMPT TO COMMIT AN OFFENSE, DEFINED IN ARTICLE FOUR HUNDRED EIGHTY-FIVE OF THE PENAL LAW, UNLESS SUCH EVIDENCE IS DETERMINED BY THE COURT TO BE RELEVANT AND ADMISSIBLE IN THE INTERESTS OF JUSTICE, AFTER AN OFFER OF PROOF BY THE PROPONENT OF SUCH EVIDENCE OUTSIDE THE HEARING OF THE JURY, OR SUCH HEARING AS THE COURT MAY REQUIRE, AND A STATEMENT BY THE COURT OF ITS FINDINGS OF FACT ESSENTIAL TO ITS DETERMINATION.

S 3. This act shall take effect immediately.

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

LBD01378-01-5