

4548

2015-2016 Regular Sessions

I N A S S E M B L Y

February 3, 2015

Introduced by M. of A. RAIA, FINCH -- read once and referred to the
Committee on Codes

AN ACT to amend the criminal procedure law, in relation to authorizing
the personal presence of crime victims during trial

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

1 Section 1. Legislative findings. The legislature hereby finds and
2 determines that in the interest of the fair administration of justice
3 that a victim of a criminal offense be afforded the opportunity to
4 attend any trial or hearing conducted by any court which pertains to
5 such criminal offense.

6 Further, the legislature hereby finds and determines, that in the
7 interest of the fair administration of justice that a victim of a crimi-
8 nal offense not be excluded from any hearing or trial conducted by any
9 court which pertains to such criminal offense merely because the victim
10 has or may testify at such hearings or trial. The legislature finds that
11 the right of the victim to be personally present during a trial or hear-
12 ing should be guaranteed to further the interests of justice.

13 S 2. The criminal procedure law is amended by adding three new
14 sections 260.25, 260.26 and 260.27 to read as follows:

15 S 260.25 CRIME VICTIM'S COURT ATTENDANCE.

16 THE VICTIM OF A CRIMINAL OFFENSE, OR HIS REPRESENTATIVE, SHALL BE
17 ENTITLED TO BE PERSONALLY PRESENT DURING THE TRIAL OF AN INDICTMENT AND
18 SHALL BE SEATED DURING SUCH TRIAL AT THE COUNSEL TABLE OF THE PROSECU-
19 TOR.

20 S 260.26 EXEMPTION FROM RULE REQUIRING EXCLUSION OF WITNESS FROM COURT;
21 REMOVAL GENERALLY.

22 A CRIME VICTIM SHALL BE EXEMPT FROM THE OPERATION OF RULE OF COURT,
23 REGULATION OR STATUTE OR OTHER LAW REQUIRING THE SEPARATION OR EXCLUSION
24 OF WITNESSES FROM COURT IN CRIMINAL HEARINGS OR TRIALS. PROVIDED, HOWEV-
25 ER, IF A CRIME VICTIM/WITNESS CONDUCTS HIMSELF IN SO DISORDERLY AND

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

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1 DISRUPTIVE A MANNER THAT THE TRIAL CANNOT BE CARRIED ON WITH HIM IN THE
2 COURTROOM, HE MAY BE REMOVED FROM THE COURTROOM IF, AFTER HE HAS BEEN
3 WARNED BY THE COURT THAT HE WILL BE REMOVED IF HE CONTINUES SUCH
4 CONDUCT, HE CONTINUES TO ENGAGE IN SUCH CONDUCT.
5 S 260.27 DESIGNATION OF REPRESENTATIVE.
6 IF A VICTIM IS UNABLE TO ATTEND THE TRIAL OF AN INDICTMENT OR ANY
7 PORTION THEREOF BY REASON OF DEATH, DISABILITY, HARDSHIP, INCAPACITY,
8 PHYSICAL, MENTAL, OR EMOTIONAL CONDITION, AGE, OR OTHER INABILITY, THE
9 VICTIM, THE VICTIM'S GUARDIAN OR THE VICTIM'S FAMILY MAY SELECT A REPRESENTATIVE WHO SHALL BE ENTITLED TO EXERCISE ANY RIGHT GRANTED TO THE
10 VICTIM. PROVIDED, HOWEVER, IN THE EVENT OF A DISPUTE, THE COURT IN ITS
11 DISCRETION MAY DESIGNATE SUCH REPRESENTATIVE.
12
13 S 3. This act shall take effect on the ninetieth day after it shall
14 have become a law.