

8054

2015-2016 Regular Sessions

I N A S S E M B L Y

June 5, 2015

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

AN ACT to amend the criminal procedure law, in relation to enabling the victim of a misdemeanor to make a statement at the sentencing of the defendant

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

1 Section 1. This act shall be known and may be cited as "Emma's Law".
2 S 2. Paragraph (b) of subdivision 2 of section 380.50 of the criminal
3 procedure law, as added by chapter 307 of the laws of 1992, is amended
4 to read as follows:
5 (b) If the defendant is being sentenced for a felony OR A MISDEMEANOR,
6 the court, if requested at least ten days prior to the sentencing date,
7 shall accord the victim the right to make a statement with regard to any
8 matter relevant to the question of sentence. The court shall notify the
9 defendant no less than seven days prior to sentencing of the victim's
10 intent to make a statement at sentencing. If the defendant does not
11 receive timely notice pursuant to this subdivision, the defendant may
12 request a reasonable adjournment.
13 S 3. This act shall take effect immediately.

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

LBD11428-02-5