

# STATE OF NEW YORK

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4984

2019-2020 Regular Sessions

## IN ASSEMBLY

February 6, 2019

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Introduced by M. of A. RAIA, FINCH, MORINELLO -- Multi-Sponsored by --  
M. of A. BLANKENBUSH, HAWLEY, KOLB, McDONOUGH, M. L. MILLER -- read  
once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to reimbursement following a  
successful defense of justification

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. Section 35.00 of the penal law is amended to read as  
2 follows:  
3 § 35.00 Justification; a defense.  
4 In any prosecution for an offense, justification, as defined in  
5 sections 35.05 through 35.30 of this article, is a defense. When a  
6 substantial question of justification shall exist which needs legal  
7 investigation or court action for the full determination of the facts  
8 and the defendant's actions are subsequently found justified under the  
9 intent of this article, the state shall indemnify or reimburse such  
10 defendant for all loss of time, legal fees, or other expenses involved  
11 in his or her defense.  
12 § 2. This act shall take effect on the first of November next  
13 succeeding the date on which it shall have become a law.

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

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