STATE OF NEW YORK

7636

IN SENATE

February 3, 2020

Introduced by Sen. HOYLMAN -- 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 to an intermediate appellate court by right by a criminal defendant

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

Section 1. Section 450.15 of the criminal procedure law, as amended by chapter 671 of the laws of 1984, is amended to read as follows:

§ 450.15 Appeal by defendant to intermediate appellate court; in what cases authorized by permission.

If an appeal by defendant is not authorized as of right pursuant to section 450.10 **of this article**, the defendant may appeal from the following [~~orders~~] **order** of a criminal court, provided that a certificate granting leave to appeal is issued pursuant to section 460.15 **of this title**:

[~~1. An order denying a motion, made pursuant to section 440.10, to vacate a judgment other than one including a sentence of death;~~

~~2. An order denying a motion by the defendant made pursuant to section 440.20, to set aside a sentence other than one of death;~~

~~3. A~~] **a** sentence which is not otherwise appealable as of right pursuant to subdivision one or two of section 450.10 **of this article**.

§ 2. Section 450.10 of the criminal procedure law is amended by adding two new subdivisions 6 and 7 to read as follows:

6. An order denying a motion, made pursuant to section 440.10 of this title, to vacate a judgment other than one including a sentence of death.

7. An order denying a motion by the defendant made pursuant to section 440.20 of this title, to set aside a sentence other than one of death.

§ 3. This act shall take effect immediately.

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

LBD14983-01-0