

STATE OF NEW YORK

1174

2019-2020 Regular Sessions

IN ASSEMBLY

January 14, 2019

Introduced by M. of A. KOLB, GIGLIO, BARCLAY -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to victim impact statements

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

1 Section 1. Paragraph (b) of subdivision 3 of section 390.30 of the
2 criminal procedure law, as amended by chapter 618 of the laws of 1992,
3 is amended to read as follows:

4 (b) The report shall also contain a victim impact statement, unless it
5 appears that such information would be of no relevance to the recommen-
6 dation or court disposition, which shall include an analysis of the
7 victim's version of the offense, the extent of injury or economic loss
8 and the actual out-of-pocket loss to the victim and the views of the
9 victim relating to disposition including the amount of restitution and
10 reparation sought by the victim after the victim has been informed of
11 the right to seek restitution and reparation, subject to the availabili-
12 ty of such information. In the case of a homicide or where the victim is
13 unable to assist in the preparation of the victim impact statement, the
14 information may be acquired from the victim's family. Such victim impact
15 statement may also be acquired from neighborhood watch groups where the
16 court deems such statements to be an appropriate inclusion in the
17 report. The victim impact statement shall be made available to the
18 victim by the prosecutor pursuant to subdivision two of section 390.50
19 of this article. Nothing contained in this section shall be interpreted
20 to require that a victim supply information for the preparation of this
21 report.

22 § 2. This act shall take effect immediately.

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

LBD04085-01-9