

STATE OF NEW YORK

7200

IN SENATE

January 10, 2020

Introduced by Sen. KAPLAN -- 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 the admission of a defendant's previous declarations or statements when the crime committed is a hate crime

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

1 Section 1. The criminal procedure law is amended by adding a new
2 section 60.77 to read as follows:

3 § 60.77 Rules of evidence; previous declarations and statements; hate
4 crimes.

5 Evidence of a defendant's previous declarations or statements may be
6 admitted to show the defendant intentionally committed the act or acts
7 constituting a hate crime as set forth in article four hundred eighty-
8 five of the penal law in whole or in substantial part because of a
9 belief or perception regarding the race, color, national origin, ances-
10 try, gender, gender identity or expression, religion, religious prac-
11 tice, age, disability or sexual orientation of a person, subject to the
12 evidentiary rules governing criminal trials set forth in this title.

13 § 2. This act shall take effect on the first on November next succeed-
14 ing 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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