

# STATE OF NEW YORK

124

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. KAPLAN, GOUNARDES -- 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 Assem-  
bly, 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.

LBD01916-01-1