

STATE OF NEW YORK

10363

IN ASSEMBLY

May 21, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Bichotte Hermelyn) -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to preserving the ability to appeal a violation of a defendant's right to make a statement personally in his or her own behalf at sentencing

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

1 Section 1. Subdivision 1 of section 380.50 of the criminal procedure
2 law, as amended by chapter 307 of the laws of 1992, is amended to read
3 as follows:

4 1. At the time of pronouncing sentence, the court must accord the
5 prosecutor an opportunity to make a statement with respect to any matter
6 relevant to the question of sentence. The court must then accord counsel
7 for the defendant an opportunity to speak on behalf of the defendant.
8 The defendant also has the right to make a statement personally in his
9 or her own behalf, and before pronouncing sentence the court must ask
10 the defendant whether he or she wishes to make such a statement. A
11 defendant may challenge on appeal, notwithstanding an otherwise valid
12 waiver of appeal, a violation of the defendant's rights under this
13 subdivision.

14 § 2. This act shall take effect immediately.

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

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