

# STATE OF NEW YORK

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153

2023-2024 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 4, 2023

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Introduced by M. of A. CRUZ, L. ROSENTHAL, MEEKS, JACKSON -- read once  
and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to enabling  
appellate review of the fairness and appropriateness of an imposed  
sentence

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

1 Section 1. Paragraph (c) of subdivision 2 of section 470.15 of the  
2 criminal procedure law is amended to read as follows:

3 (c) Upon a determination that a sentence imposed upon a valid  
4 conviction is illegal or unduly harsh or severe, the court [~~may~~] shall,  
5 notwithstanding an otherwise enforceable waiver of appeal, modify the  
6 judgment by reversing it with respect to the sentence and by otherwise  
7 affirming it.

8 § 2. This act shall take effect on the sixtieth day after it shall  
9 have become a law.

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

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