# STATE OF NEW YORK

5094

2023-2024 Regular Sessions

# IN ASSEMBLY

March 2, 2023

Introduced by M. of A. LAVINE, SIMON -- read once and referred 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:**

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

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

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

§ 2. This act shall take effect on the first on November next succeeding 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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