STATE OF NEW YORK

1901--A

Cal. No. 465

2023-2024 Regular Sessions

IN SENATE

January 17, 2023

Introduced by Sens. STAVISKY, ROLISON -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the criminal procedure law, in relation to victim statements at the sentencing of a defendant for a misdemeanor

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

Section 1. Short title. This act shall be known and may be cited as "Emma's Law".

§ 2. Paragraph (b) of subdivision 2 of section 380.50 of the criminal procedure law, as added by chapter 307 of the laws of 1992, is amended to read as follows:

(b) If the defendant is being sentenced for **(1)** a felony**, or (2) a misdemeanor to which the defendant pled guilty after being charged with a felony offense in an indictment or information in superior court where such felony offense resulted in serious physical injury to the victim, then** the court, if requested at least ten days prior to the sentencing date, shall accord the victim the right to make a statement with regard to any matter relevant to the question of sentence. The court shall notify the defendant no less than seven days prior to sentencing of the victim's intent to make a statement at sentencing. If the defendant does not receive timely notice pursuant to this subdivision, the defendant may request a reasonable adjournment.

§ 3. 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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