STATE OF NEW YORK

1901

2023-2024 Regular Sessions

IN SENATE

January 17, 2023

Introduced by Sen. STAVISKY -- 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 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. Subparagraph 1 of paragraph (a) and paragraph (b) of subdivision 2 of section 380.50 of the criminal procedure law, subparagraph 1 of paragraph (a) as amended by chapter 499 of the laws of 1993 and paragraph (b) as added by chapter 307 of the laws of 1992, are amended to read as follows:

(1) the victim as indicated in the accusatory instrument **or as indicated in the pre-sentence investigation conducted pursuant to section 390.20 of this title**; or

(b) If the defendant is being sentenced for a felony 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~~] **If the defendant is being sentenced for a misdemeanor, if requested at least ten days prior to the sentencing date, the court may accord the victim the right to make a statement with regard to any matter relevant to the question of sentence. In either case, 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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