STATE OF NEW YORK

938

2023-2024 Regular Sessions

IN SENATE

January 9, 2023

Introduced by Sens. BAILEY, BRISPORT, HOYLMAN, KRUEGER, MYRIE, RIVERA, SALAZAR -- 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 enabling appellate review of the fairness and appropriateness of an imposed sentence

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

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

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

§ 2. This act shall take effect on the sixtieth day after 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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