

STATE OF NEW YORK

2138--B

2025-2026 Regular Sessions

IN ASSEMBLY

January 15, 2025

Introduced by M. of A. WOERNER, BUTTENSCHON, COLTON, STERN, HEVESI, JACOBSON, SEAWRIGHT, PHEFFER AMATO, DeSTEFANO, SMULLEN, HAWLEY, ANGELINO, GIGLIO, K. BROWN, DURSO, KELLES, BENDETT, MANKTELOW, JENSEN, McDONALD -- Multi-Sponsored by -- M. of A. SIMON -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- again amended on third reading, ordered reprinted, retaining its place on 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:

1 Section 1. Paragraph (b) of subdivision 2 of section 380.50 of the
2 criminal procedure law, as added by chapter 307 of the laws of 1992, is
3 amended to read as follows:

4 (b) If the defendant is being sentenced for (1) a felony, or (2) a
5 misdemeanor where a pre-sentence report is ordered pursuant to subdivi-
6 sion two of section 390.20 of this title to which the defendant pled
7 guilty after being charged with a felony offense pursuant to the vehi-
8 cle and traffic law in an indictment or information in superior court
9 where such felony offense resulted in serious physical injury to the
10 victim, then the court, if requested at least ten days prior to the
11 sentencing date, shall accord the victim [~~the right to make a statement~~
12 ~~with regard to any matter relevant to the question of sentence~~], or
13 anyone designated by the victim to speak on such victim's behalf, the
14 right to make a statement. The court shall notify the defendant no less
15 than seven days prior to sentencing of the victim's intent to make a
16 statement at sentencing. If the defendant does not receive timely notice
17 pursuant to this subdivision, the defendant may request a reasonable
18 adjournment.

19 § 2. 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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