STATE OF NEW YORK

3524

2025-2026 Regular Sessions

IN ASSEMBLY

January 28, 2025

Introduced by M. of A. BICHOTTE HERMELYN -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to preserving the ability to appeal a violation of a defendant's right to make a statement personally at sentencing

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

Section 1. Subdivision 1 of section 380.50 of the criminal procedure law, as amended by chapter 307 of the laws of 1992, is amended to read as follows:

1. At the time of pronouncing sentence, the court must accord the prosecutor an opportunity to make a statement with respect to any matter relevant to the question of sentence. The court must then accord counsel for the defendant an opportunity to speak on behalf of the defendant. The defendant also has the right to make a statement personally in [~~his or her~~] **the defendant's** own behalf, and before pronouncing sentence the court must ask the defendant whether [~~he or she~~] **the defendant** wishes to make such a statement. **A defendant may challenge on appeal, notwithstanding an otherwise valid waiver of appeal, a violation of the defendant's rights under this subdivision.**

§ 2. This act shall take effect immediately.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD07247-01-5