STATE OF NEW YORK

9142

2025-2026 Regular Sessions

IN ASSEMBLY

October 17, 2025

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

AN ACT to amend the criminal procedure law, in relation to permitting admission of spontaneous statements by victims of certain offenses who are determined to be incapacitated

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

Section 1. The criminal procedure law is amended by adding a new section 60.51 to read as follows:

§ 60.51 Rules of evidence; admissibility of statements of incapacitated victims.

1. This section applies to any proceeding in the prosecution of an offense under article one hundred fifty-five, one hundred seventy or one hundred ninety of the penal law, if committed against a person who has been determined to be incapacitated under article eighty-one of the mental hygiene law.

2. This section applies only to statements that describe the alleged offense that were made by the incapacitated person to the first person, eighteen years of age or older, other than the defendant, to whom the incapacitated person made a statement about the offense.

3. A statement that meets the requirements of subdivision two of this section is not inadmissible as hearsay evidence if:

(a) on or before the fourteenth day before the date the proceeding begins, the party intending to offer the statement:

(i) notifies the adverse party of its intention to do so;

(ii) provides the adverse party with the name of the witness through whom it intends to offer the statement; and

(iii) provides the adverse party with a written summary of the statement;

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

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(b) the trial court finds, in a hearing conducted outside the presence of the jury, that the statement is reliable based on the time, content, and circumstances of the statement; and

(c) the incapacitated person testifies or is available to testify at the proceeding in court or in any other manner.

§ 2. This act shall take effect immediately.