

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:

- 1 Section 1. Subdivision 1 of section 380.50 of the criminal procedure
2 law, as amended by chapter 307 of the laws of 1992, is amended to read
3 as follows:
4 1. At the time of pronouncing sentence, the court must accord the
5 prosecutor an opportunity to make a statement with respect to any matter
6 relevant to the question of sentence. The court must then accord counsel
7 for the defendant an opportunity to speak on behalf of the defendant.
8 The defendant also has the right to make a statement personally in [~~his~~
9 ~~or her~~] the defendant's own behalf, and before pronouncing sentence the
10 court must ask the defendant whether [~~he or she~~] the defendant wishes to
11 make such a statement. A defendant may challenge on appeal, notwith-
12 standing an otherwise valid waiver of appeal, a violation of the defend-
13 ant's rights under this subdivision.
14 § 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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