

# 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:

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

3 § 60.51 Rules of evidence; admissibility of statements of incapacitated  
4 victims.

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

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

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

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

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

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

21 (iii) provides the adverse party with a written summary of the state-  
22 ment;

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

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

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

6 § 2. This act shall take effect immediately.