

# STATE OF NEW YORK

9768

## IN SENATE

April 6, 2026

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the court of claims act, in relation to proof of claims for unjust conviction and imprisonment

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

1 Section 1. Paragraph (b) of subdivision 3 of section 8-b of the court  
2 of claims act, as added by chapter 1009 of the laws of 1984, is amended  
3 to read as follows:

4 (b) (i) [~~he~~] the claimant has been pardoned upon the ground of inno-  
5 cence of the crime or crimes for which [~~he~~] the claimant was sentenced  
6 and which are the grounds for the complaint; or (ii) [~~his~~] the claim-  
7 ant's judgment of conviction was reversed or vacated, and the accusatory  
8 instrument dismissed or, if a new trial was ordered, either [~~he~~] the  
9 claimant was found not guilty at the new trial or [~~he~~] was not retried  
10 and the accusatory instrument dismissed; provided that the judgement of  
11 conviction was reversed or vacated, and the accusatory instrument was  
12 dismissed, on any of the following grounds: (A) paragraph (a), (b), (c),  
13 (e) [~~or~~], (g) or (h) of subdivision one of section 440.10 of the crimi-  
14 nal procedure law; or (B) subdivision one (where based upon grounds set  
15 forth in item (A) hereof), two, three (where the count dismissed was the  
16 sole basis for the imprisonment complained of) or five of section 470.20  
17 of the criminal procedure law; or (C) comparable provisions of the  
18 former code of criminal procedure or subsequent law; or (D) the statute,  
19 or application thereof, on which the accusatory instrument was based  
20 violated the constitution of the United States or the state of New York;  
21 and

22 § 2. Paragraph (b) of subdivision 5 of section 8-b of the court of  
23 claims act, as added by chapter 1009 of the laws of 1984, is amended to  
24 read as follows:

25 (b) (i) [~~he~~] the claimant has been pardoned upon the ground of inno-  
26 cence of the crime or crimes for which [~~he~~] the claimant was sentenced  
27 and which are the grounds for the complaint; or (ii) [~~his~~] the claim-  
28 ant's judgment of conviction was reversed or vacated, and the accusatory

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

LBD06090-01-5

1 instrument dismissed or, if a new trial was ordered, either ~~[he]~~ the  
2 claimant was found not guilty at the new trial or ~~[he]~~ the claimant was  
3 not retried and the accusatory instrument dismissed; provided that the  
4 judgement of conviction was reversed or vacated, and the accusatory  
5 instrument was dismissed, on any of the following grounds: (A) paragraph  
6 (a), (b), (c), (e) ~~[or]~~, (g) or (h) of subdivision one of section 440.10  
7 of the criminal procedure law; or (B) subdivision one (where based upon  
8 grounds set forth in item (A) hereof), two, three (where the count  
9 dismissed was the sole basis for the imprisonment complained of) or five  
10 of section 470.20 of the criminal procedure law; or (C) comparable  
11 provisions of the former code of criminal procedure or subsequent law;  
12 or (D) the statute, or application thereof, on which the accusatory  
13 instrument was based violated the constitution of the United States or  
14 the state of New York; and  
15 § 3. This act shall take effect immediately.