



Senate Passes “Emma’s Law” as Part of Victims' Rights Legislation Package

Emma's Law, sponsored by Senator Toby Ann Stavisky, will allow victim impact statements to be read at the sentencing of a defendant for a misdemeanor offense.



Senator Toby Ann Stavisky speaks at a press conference at the State Capitol, urging the passage of Victims' Rights Legislation in the State Senate.

ALBANY- On Tuesday, the New York State Senate advanced legislation to strengthen the rights of survivors of crimes. Included in this package is Emma’s Law, sponsored by Senator Toby Ann Stavisky (11th Senate District). This legislation is named in honor of Emma Grace O’Rourke, whose father suffered a severe brain injury after being rear ended by another motorist. Emma, who was 11 years old at the time of the sentencing, wanted to address the court to express how the tragedy affected her and her family but was denied that

opportunity because the guilty driver had pled to a misdemeanor, not a felony. Under current law, only victims of felony crimes have the guaranteed right to make a victim impact statement.

“Misdemeanor offenses can be life altering experiences and often carry the same trauma as felonies,” **says Senator Toby Ann Stavisky**. “This was the case for Emma Grace O'Rourke, her father and her family. Victim impact statements are not only powerful in laying bare the lasting impact of a crime, but can also be therapeutic for survivors in desperate need of an emotional outlet. They are survivors and should be able to speak out if they so choose.”

This bill will allow survivors of misdemeanor offenses, including impacted loved ones, with the Court's consent, to present an impact statement at the defendant's sentencing. It is sponsored in the Assembly by Carrie Woerner.

You can find more information on the bill on the New York State Senate website (s8761).