



NEW YORK STATE SENATOR

Toby Ann Stavisky

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

TOBY ANN STAVISKY May 10, 2023

| ISSUE: **SENATOR TOBY ANN STAVISKY, EMMA'S LAW, CRIME VICTIMS RIGHTS, CRIME VICTIM ADVOCACY**



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.