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I N S E N A T E

March 8, 2012

Introduced by Sen. SALAND -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to suspending jury deliberations

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 2 of section 310.10 of the criminal procedure
2 law, as amended by chapter 47 of the laws of 2001, is amended to read as
3 follows:
4 2. At any time after the jury has been charged or commenced its delib-
5 erations, and after notice to the parties and affording such parties an
6 opportunity to be heard on the record outside of the presence of the
7 jury, the court may declare the deliberations to be in recess and may
8 thereupon direct the jury to suspend its deliberations and to separate
9 for a reasonable period of time to be specified by the court, not to
10 exceed twenty-four hours OR, UPON GOOD CAUSE SHOWN, NOT TO EXCEED SEVEN-
11 TY-TWO HOURS, except that in the case of a Saturday, Sunday or holiday,
12 such separation may extend beyond such twenty-four OR SEVENTY-TWO hour
13 period. Before each recess, the court must admonish the jury as provided
14 in section 270.40 of this chapter and direct it not to resume its delib-
15 erations until all twelve jurors have reassembled in the designated
16 place at the termination of the declared recess.
17 S 2. This act shall take effect immediately, and shall apply to all
18 criminal actions pending on or after such effective date.

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

LBD14172-01-2