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I N A S S E M B L Y

March 10, 2016

Introduced by M. of A. RICHARDSON, LENTOL -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to granting a defendant poor person relief on appeal

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 380.55 to read as follows:
3 S 380.55 APPLICATION FOR POOR PERSON RELIEF ON APPEAL.
4 WHERE COUNSEL HAS BEEN ASSIGNED TO REPRESENT A DEFENDANT AT TRIAL ON
5 THE GROUND THAT THE DEFENDANT IS FINANCIALLY UNABLE TO RETAIN COUNSEL,
6 THE COURT MAY IN ITS DISCRETION AT THE TIME OF SENTENCING ENTERTAIN AN
7 APPLICATION TO GRANT THE DEFENDANT POOR PERSON RELIEF ON APPEAL. AS PART
8 OF AN APPLICATION FOR SUCH RELIEF, ASSIGNED COUNSEL MUST REPRESENT THAT
9 THE DEFENDANT CONTINUES TO BE ELIGIBLE FOR ASSIGNMENT OF COUNSEL AND
10 THAT GRANTING THE APPLICATION WILL EXPEDITE THE APPEAL. IF THE COURT
11 GRANTS THE APPLICATION, IT SHALL FILE A WRITTEN ORDER AND SHALL PROVIDE
12 A COPY OF THE ORDER TO THE APPROPRIATE APPELLATE COURT. THE DENIAL OF AN
13 APPLICATION SHALL NOT PRECLUDE THE DEFENDANT FROM MAKING A DE NOVO
14 APPLICATION FOR POOR PERSON RELIEF TO THE APPROPRIATE APPELLATE COURT.
15 S 2. This act shall take effect immediately.

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

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