

STATE OF NEW YORK

7623

2021-2022 Regular Sessions

IN ASSEMBLY

May 19, 2021

Introduced by M. of A. CUSICK -- (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 defendant's right to a supporting deposition

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

1 Section 1. Subdivision 2 of section 100.25 of the criminal procedure
2 law, as amended by chapter 67 of the laws of 1996, is amended to read as
3 follows:

4 2. [A] Unless delivered to the defendant with the simplified informa-
5 tion, a defendant charged by a simplified information is, upon a timely
6 request, entitled as a matter of right to have filed with the court and
7 served upon him or her, or if he or she is represented by an attorney,
8 upon his or her attorney, a supporting deposition of the complainant
9 police officer or public servant, containing allegations of fact, based
10 either upon personal knowledge or upon information and belief, providing
11 reasonable cause to believe that the defendant committed the offense or
12 offenses charged. To be timely, such a request must, except as otherwise
13 provided herein and in subdivision three of this section, be made before
14 entry of a plea of guilty to the charge specified and before commence-
15 ment of a trial thereon, but not later than thirty days after the date
16 the defendant is directed to appear in court as such date appears upon
17 the simplified information and upon the appearance ticket issued pursu-
18 ant thereto. If the defendant's request is mailed to the court, the
19 request must be mailed within such thirty day period. [Upon] Unless a
20 supporting deposition was delivered to the defendant with the simplified
21 information and thereafter filed with the court, upon such a request,
22 the court must order the complainant police officer or public servant to
23 serve a copy of such supporting deposition upon the defendant or his or
24 her attorney, within thirty days of the date such request is received by
25 the court, or at least five days before trial, whichever is earlier, and

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

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1 to file such supporting deposition with the court together with proof of
2 service thereof. The filing of a simplified information indicating that
3 a supporting deposition was provided with the simplified information
4 shall be prima facie proof that the supporting deposition was served
5 upon the defendant with the simplified information. Notwithstanding any
6 provision to the contrary, where a defendant is issued an appearance
7 ticket in conjunction with the offense charged in the simplified infor-
8 mation and the appearance ticket fails to conform with the requirements
9 of subdivision two of section 150.10, a request is timely when made not
10 later than thirty days after (a) entry of the defendant's plea of not
11 guilty when he or she has been arraigned in person, or (b) written
12 notice to the defendant of his or her right to receive a supporting
13 deposition when a plea of not guilty has been submitted by mail.
14 § 2. This act shall take effect on the first of November next succeed-
15 ing the date on which it shall have become a law and shall apply to all
16 simplified informations issued on or after such effective date.