

STATE OF NEW YORK

3635

2025-2026 Regular Sessions

IN ASSEMBLY

January 29, 2025

Introduced by M. of A. JONES -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to supporting depositions that are served at the time of issuance of a simplified information

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

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

LBD07668-01-5

1 proof of service thereof. Notwithstanding any provision to the contrary,
2 where a defendant is issued an appearance ticket in conjunction with the
3 offense charged in the simplified information and the appearance ticket
4 fails to conform with the requirements of subdivision two of section
5 150.10 of this title, a request is timely when made not later than thir-
6 ty days after (a) entry of the defendant's plea of not guilty when [~~he~~
7 ~~or she has~~] they have been arraigned in person, or (b) written notice to
8 the defendant of [~~his or her~~] their right to receive a supporting depo-
9 sition when a plea of not guilty has been submitted by mail.
10 § 2. This act shall take effect immediately.