

STATE OF NEW YORK

934--A

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. MAGNARELLI, STECK, SHIMSKY, DAVILA, LUNSFORD -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law, in relation to peremptory challenges

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

- 1 Section 1. Subdivision 3 of section 270.25 of the criminal procedure
2 law is amended to read as follows:
- 3 3. When two or more defendants are tried jointly, the number of
4 peremptory challenges prescribed in subdivision two of this section is
5 not multiplied by the number of defendants, but such defendants are to
6 be treated as a single party. In any such case, a peremptory challenge
7 by one or more defendants must be allowed if a majority of the defend-
8 ants join in such challenge, or if there is a tie when there is an even
9 number of defendants. Otherwise, it must be disallowed.
- 10 § 2. Subdivision 2 of section 360.30 of the criminal procedure law is
11 amended to read as follows:
- 12 2. Each party must be allowed three peremptory challenges. When two
13 or more defendants are tried jointly, such challenges are not multiplied
14 by the number of defendants, but such defendants are to be treated as a
15 single party. In any such case, a peremptory challenge by one or more
16 defendants must be allowed if a majority of the defendants join in such
17 challenge, or if there is a tie when there is an even number of defend-
18 ants. Otherwise, it must be disallowed.
- 19 § 3. This act shall take effect immediately.

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

LBD01314-02-5