S T A T E  O F  N E W  Y O R K

1469

2009-2010 Regular Sessions

I N  A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. WRIGHT, JEFFRIES, POWELL -- Multi-Sponsored by -- M. of A. FARRELL -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to authorizing an application for permission to appeal to the court of appeals from an order of the appellate division concerning a change of venue

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

Section 1. Section 230.20 of the criminal procedure law is amended by adding a new subdivision 5 to read as follows:

5. ANY PARTY AGGRIEVED BY AN ORDER OF THE APPELLATE DIVISION CONCERNING A MOTION MADE PURSUANT TO SUBDIVISION TWO OF THIS SECTION MAY SEEK LEAVE TO APPEAL FROM SUCH ORDER TO THE COURT OF APPEALS, PURSUANT TO SUBDIVISION THREE OF SECTION 450.90 OF THIS CHAPTER.

S 2. Section 450.90 of the criminal procedure law is amended by adding a new subdivision 3 to read as follows:

3. PROVIDED THAT A CERTIFICATE GRANTING LEAVE TO APPEAL IS ISSUED PURSUANT TO SECTION 460.20 OF THIS CHAPTER, AN APPEAL MAY BE TAKEN TO THE COURT OF APPEALS BY ANY PARTY AGGRIEVED BY AN ORDER OF THE APPELLATE DIVISION CONCERNING A MOTION MADE PURSUANT TO SUBDIVISION TWO OF SECTION 230.20 OF THIS CHAPTER. UPON THE REQUEST OF EITHER PARTY, THE HEARING AND DETERMINATION OF AN APPEAL GRANTED PURSUANT TO THIS SUBDIVISION SHALL BE CONDUCTED IN AN EXPEDITIOUS MANNER. THE CHIEF ADMINISTRATOR OF THE COURTS, WITH THE ADVICE AND CONSENT OF THE ADMINISTRATIVE BOARD OF THE COURTS, SHALL ADOPT RULES FOR THE EXPEDITIOUS BRIEFING, HEARING AND DETERMINATION OF SUCH APPEALS.

S 3. 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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