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

2054

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

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

AN ACT to amend the criminal procedure law, in relation to waivers of jury trials

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

Section 1. Subdivision 2 of section 320.10 of the criminal procedure law is amended to read as follows:

2. Such waiver must be in writing and must be signed by the defendant in person in open court in the presence of the court, and with the approval of the court[. The] AND THE CONSENT OF THE DISTRICT ATTORNEY. IF THE DISTRICT ATTORNEY CONSENTS TO THE WAIVER, THE court must approve the execution and submission of such waiver unless it determines that it is tendered as a stratagem to procure an otherwise impermissible procedural advantage or that the defendant is not fully aware of the consequences of the choice he is making. If the court disapproves the waiver, it must state upon the record its reasons for such disapproval.

S 2. This act shall take effect immediately.

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

LBD03324-01-9