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

2705

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. GANTT -- Multi-Sponsored by -- M. of A. BOYLAND -- read once and referred to the Committee on Judiciary

AN ACT in relation to permitting certain persons to file a claim for unjust conviction in the court of claims

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

Section 1. Notwithstanding any other provision of law, any action commenced by the filing of a claim in the office of the clerk of the court of claims on March 25, 1999 and amended on May 26, 1999 which was brought by a claimant whose second degree murder conviction was overturned on May 21, 1998 and whose court of claims action was dismissed solely because such conviction has been determined to have been vacated pursuant to paragraph (f) of subdivision 1 of section 440.10 of the criminal procedure law is hereby revived and a claim may be commenced and brought to judgment, provided such claim is commenced within 90 days after the effective date of this act. Such action shall not be dismissed solely based on the grounds that claimant's conviction was vacated pursuant to paragraph (f) of subdivision 1 of section 440.10 of the criminal procedure law.

S 2. 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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