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

3514--A

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. GIANARIS, DelMONTE, GALEF, ESPAILLAT, POWELL, KOON -- Multi-Sponsored by -- M. of A. HOOPER, JOHN, PHEFFER, N. RIVERA -- read once and referred to the Committee on Judiciary -- reported 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 the delivery of stenographic transcripts to family members of victims of homicides

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

Section 1. The criminal procedure law is amended by adding a new section 380.75 to read as follows:

S 380.75 STENOGRAPHIC TRANSCRIPT.

UPON FORMAL REQUEST OF A MEMBER OF THE FAMILY OF THE VICTIM, MADE WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE DATE OF THE CONVICTION OF A DEFENDANT OF A HOMICIDE OFFENSE DEFINED IN ARTICLE ONE HUNDRED TWENTY-FIVE OF THE PENAL LAW, THE COURT SHALL NOTIFY THE COURT STENOGRAPHER, WHO SHALL MAKE AVAILABLE, PURSUANT TO THE RULES OF THE CHIEF ADMINISTRATOR OF THE COURTS FOR THE DELIVERY OF TRANSCRIPTS FOR APPEALS, A CERTIFIED COPY, PRODUCED USING AVAILABLE TECHNOLOGY SUCH AS A PHOTOCOPIER, OF THE TRANSCRIPT OF THE STENOGRAPHIC MINUTES OF THE TRIAL WHICH RESULTED IN SUCH CONVICTION OR, IF THERE WAS NO TRIAL, OF THE PROCEEDING WHICH RESULTED IN SUCH CONVICTION. THE COURT STENOGRAPHER SHALL DELIVER THE COPY OF SUCH TRANSCRIPT TO THE FAMILY MEMBER OR HIS OR HER ATTORNEY, AND FILE WITH THE COURT CLERK AN AFFIDAVIT OF THE FACT AND DATE OF SUCH DELIVERY. THE EXPENSE OF THE COPY OF SUCH TRANSCRIPT PROVIDED TO A FAMILY MEMBER SHALL BE A COUNTY CHARGE OR, IN THE COUNTIES WITHIN THE CITY OF NEW YORK, A CITY CHARGE, AS THE CASE MAY BE, PAYABLE TO THE COURT STENOGRAPHER OUT OF THE COURT FUND UPON CERTIFICATE OF THE JUDGE WHO PRESIDED AT SUCH TRIAL OR PROCEEDINGS.

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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