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

3680

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

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

AN ACT to amend the criminal procedure law, in relation to the dismissal of a felony complaint

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

Section 1. Paragraph (a) of subdivision 2 of section 190.55 of the criminal procedure law, as amended by chapter 467 of the laws of 1974, is amended to read as follows:

(a) A district attorney must submit to a grand jury, WITHIN SIX MONTHS FOLLOWING THE COMMENCEMENT OF A CRIMINAL ACTION, evidence concerning a felony allegedly committed by a defendant who, on the basis of a felony complaint filed with a local criminal court of the county, has been held for the action of a grand jury of such county, except where indictment has been waived by the defendant pursuant to article one hundred ninety-five.

S 2. Subdivision 2 of section 190.55 of the criminal procedure law is amended by adding a new paragraph (a-1) to read as follows:

(A-1) A SUPERIOR COURT MAY, IN ITS DISCRETION, UPON MOTION OF THE DEFENDANT, DISMISS A FELONY COMPLAINT UPON THE GROUND THAT MORE THAN SIX MONTHS HAVE ELAPSED SINCE THE COMMENCEMENT OF THE CRIMINAL ACTION AND EVIDENCE HAS NOT BEEN SUBMITTED TO A GRAND JURY IN ACCORDANCE WITH PARAGRAPH (A) OF THIS SUBDIVISION.

S 3. This act shall take effect on the thirtieth day after it shall have become a law.

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

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