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

3842

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. RAIA, CALHOUN, McKEVITT, WALKER -- Multi-Sponsored by -- M. of A. CONTE, KOLB, MILLER -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to reimbursement following a successful defense of justification

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

Section 1. Section 35.00 of the penal law is amended to read as follows:

S 35.00 Justification; a defense.

In any prosecution for an offense, justification, as defined in sections 35.05 through 35.30 OF THIS ARTICLE, is a defense. WHEN A SUBSTANTIAL QUESTION OF JUSTIFICATION SHALL EXIST WHICH NEEDS LEGAL INVESTIGATION OR COURT ACTION FOR THE FULL DETERMINATION OF THE FACTS AND THE DEFENDANT'S ACTIONS ARE SUBSEQUENTLY FOUND JUSTIFIED UNDER THE INTENT OF THIS ARTICLE, THE STATE SHALL INDEMNIFY OR REIMBURSE SUCH DEFENDANT FOR ALL LOSS OF TIME, LEGAL FEES, OR OTHER EXPENSES INVOLVED IN HIS OR HER DEFENSE.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

LBD06607-01-9