

S. 1644

A. 4322

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

February 3, 2009

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IN SENATE -- Introduced by Sen. THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

IN ASSEMBLY -- Introduced by M. of A. PEOPLES -- Multi-Sponsored by -- M. of A. ALFANO, GOTTFRIED -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to requiring evidence of identification by photographic videotape

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

1     Section 1. The criminal procedure law is amended by adding a new  
2     section 60.27 to read as follows:  
3     S 60.27 RULES OF EVIDENCE; IDENTIFICATION BY MEANS OF A PHOTOGRAPHIC  
4     ARRAY; VIDEOTAPE TO BE REQUIRED.  
5     NOTWITHSTANDING ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY, IN  
6     ANY CIRCUMSTANCE WHERE EVIDENCE OF AN IDENTIFICATION OF A DEFENDANT BY  
7     PHOTOGRAPHIC ARRAY WOULD BE OTHERWISE ADMISSIBLE IN EVIDENCE, SUCH IDENTIFICATION SHALL NOT BE ADMISSIBLE IN EVIDENCE UNLESS PROOF OF THE  
8     PROCEDURES USED IN THE IDENTIFICATION IS INTRODUCED BY VIDEOTAPE  
9     EVIDENCE OF SUCH PROCEDURES.  
10    S 2. This act shall take effect on the ninetieth day after it shall  
11    have become a law and shall apply to any criminal action commenced after  
12    such date.  
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EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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