

512

2009-2010 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2009

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

AN ACT to amend the criminal procedure law, in relation to requiring a police identification line-up to be conducted sequentially

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

1     Section 1. Paragraph (b) of subdivision 2 of section 240.40 of the  
2 criminal procedure law, as added by chapter 412 of the laws of 1979, is  
3 amended to read as follows:  
4     (b) may order the defendant to provide non-testimonial evidence. Such  
5 order may, among other things, require the defendant to:  
6     (i) Appear in a SEQUENTIAL line-up, ONE DEFENDANT AT A TIME;  
7     (ii) Speak for identification by witness or potential witness;  
8     (iii) Be fingerprinted;  
9     (iv) Pose for photographs not involving reenactment of an event;  
10    (v) Permit the taking of samples of blood, hair or other materials  
11 from his body in a manner not involving an unreasonable intrusion there-  
12 of or a risk of serious physical injury thereto;  
13    (vi) Provide specimens of his handwriting;  
14    (vii) Submit to a reasonable physical or medical inspection of his  
15 body.  
16    S 2. This act shall take effect on the first of November next succeed-  
17 ing 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.

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