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

513

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

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 videotaping interrogations

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 article 66 to read as follows:

ARTICLE 66

VIDEOTAPING INTERROGATIONS

SECTION 66.10. VIDEOTAPING INTERROGATIONS.

S 66.10 VIDEOTAPING INTERROGATIONS.

1. ALL INTERROGATIONS OF SUSPECTS, IN POLICE CUSTODY, SHALL BE RECORDED, IN THEIR ENTIRETY, ON VIDEOTAPE OF REASONABLE CLARITY AND AUDIBILITY. THEREAFTER, THE VIDEOTAPES SHALL BE SEALED, WHEREUPON SUCH VIDEOTAPES SHALL BE UNSEALED AND MADE AVAILABLE ONLY WHERE THEY ARE REQUIRED FOR PRODUCTION FOR TRIAL, EVIDENTIARY PURPOSES, OR WHERE THE INDIVIDUAL WHO IS THE SUBJECT OF THE VIDEOTAPE, OR HIS OR HER REPRESENTATIVE, REQUESTS SUCH TAPE. ALL SEALED VIDEOTAPES REPRESENTING INTERROGATIONS SHALL BE PRESERVED FOR AT LEAST TEN YEARS IN SUCH A MANNER AS TO MAINTAIN THE CLARITY AND AUDIBILITY OF THE VIDEOTAPE.

2. THE INTRODUCTION INTO EVIDENCE OF THE CONFESSION OF A SUSPECT, MADE TO A LAW ENFORCEMENT OFFICER DURING THE INTERROGATION PROCESS AND DOCUMENTED ON VIDEOTAPE, SHALL BE ACCOMPANIED BY THE CORROBORATING VIDEOTAPE.

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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