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

5505

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

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

AN ACT to amend the criminal procedure law, in relation to requiring that a statement of a defendant may not be admitted into evidence unless he or she was given the opportunity to have the statement electronically recorded

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 section 60.77 to read as follows:

S 60.77 RULES OF EVIDENCE; STATEMENTS OF DEFENDANTS TO BE ELECTRONICALLY RECORDED.

1. EVIDENCE OF A CONFESSION, ADMISSION OR OTHER STATEMENT BY A DEFENDANT, IN CUSTODY, WITH RESPECT TO HIS OR HER PARTICIPATION IN THE OFFENSE CHARGED MAY NOT BE RECEIVED IN EVIDENCE AGAINST HIM OR HER IN A CRIMINAL PROCEEDING UNLESS THE DEFENDANT WAS GIVEN THE OPPORTUNITY TO HAVE THE CONFESSION, ADMISSION OR OTHER STATEMENT RECORDED BY AN ELECTRONIC RECORDING DEVICE.

2. A DEFENDANT IN CUSTODY MAY WAIVE THE RIGHT TO HAVE HIS OR HER CONFESSION, ADMISSION OR OTHER STATEMENT ELECTRONICALLY RECORDED IF HE OR SHE KNOWINGLY DOES SO IN CUSTODY.

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.

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