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

7015

2009-2010 Regular Sessions

I N A S S E M B L Y

March 18, 2009

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

AN ACT to amend the criminal procedure law, in relation to examination of certain witnesses

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

Section 1. Subdivision 2 of section 660.20 of the criminal procedure law is amended to read as follows:

2. Will not be amenable or responsive to legal process or available as a witness at a time when his OR HER testimony will be sought, either because he OR SHE is:

(a) About to leave the state and not return for a substantial period of time; or

(b) Physically ill [or incapacited.] AND THEREBY INCAPACITATED AS A RESULT THEREOF; OR

(C) MENTALLY ILL AND THEREBY INCAPACITATED AS A RESULT THEREOF; OR

(D) ELDERLY WHO POSSESSES A RESTRICTED CAPACITY TO EITHER AMBULATE OR ADEQUATELY FOCUS ATTENTION ON SPECIFIC EVENTS OR OCCURRENCES.

S 2. This act shall take effect on the ninetieth day after it shall have become a law and shall apply to all trials commenced on or after such effective date.

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

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