

1082

2009-2010 Regular Sessions

I N   S E N A T E

January 26, 2009

---

Introduced by Sens. PERKINS, DUANE, KRUEGER, PARKER, SMITH, THOMPSON --  
read twice and ordered printed, and when printed to be committed 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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

Section 1. The criminal procedure law is amended by adding a new arti-  
cle 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 INTERRO-  
GATIONS 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.

LBD05461-01-9