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

1246

2009-2010 Regular Sessions

I N S E N A T E

January 28, 2009

Introduced by Sens. THOMPSON, ONORATO, PARKER -- 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 requiring evidence of identification by photographic videotape

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 60.27 to read as follows:

S 60.27 RULES OF EVIDENCE; IDENTIFICATION BY MEANS OF A PHOTOGRAPHIC ARRAY; VIDEOTAPE TO BE REQUIRED.

NOTWITHSTANDING ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY, IN ANY CIRCUMSTANCE WHERE EVIDENCE OF AN IDENTIFICATION OF A DEFENDANT BY PHOTOGRAPHIC ARRAY WOULD BE OTHERWISE ADMISSIBLE IN EVIDENCE, SUCH IDENTIFICATION SHALL NOT BE ADMISSIBLE IN EVIDENCE UNLESS PROOF OF THE PROCEDURES USED IN THE IDENTIFICATION IS INTRODUCED BY VIDEOTAPE EVIDENCE OF SUCH PROCEDURES.

S 2. This act shall take effect on the ninetieth day after it shall have become a law and shall apply to any criminal action commenced after such date.

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

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