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

164

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. KRUGER -- 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 misdemeanor complaints

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

Section 1. The opening paragraph of section 170.70 of the criminal procedure law is amended to read as follows:

Upon application of a defendant against whom a misdemeanor complaint is pending in a local criminal court, and who, [either at the time of his arraignment thereon or subsequent thereto, has been committed to the custody of the sheriff] SINCE THE TIME OF HIS ARREST OR SUBSEQUENT THERETO, HAS BEEN HELD IN CUSTODY pending disposition of the action, and who has been confined in such custody for a period of more than [five days, not including Sunday] ONE HUNDRED TWENTY HOURS, OR IN THE EVENT THAT A SATURDAY, SUNDAY OR LEGAL HOLIDAY OCCURS DURING SUCH CUSTODY, ONE HUNDRED FORTY-FOUR HOURS, without any information having been filed in replacement of such misdemeanor complaint, the criminal court must release the defendant on his own recognizance unless:

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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