

2063

2009-2010 Regular Sessions

I N S E N A T E

February 11, 2009

Introduced by Sens. HUNTLEY, ADAMS, DIAZ, ESPADA, KRUEGER, MONSERRATE, PARKER, SAMPSON, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the civil practice law and rules and the criminal procedure law, in relation to authorizing a court to provide written or recorded instructions to a jury for its use during deliberations

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

1 Section 1. The opening paragraph of section 4110-b of the civil practice law and rules is designated subdivision (a) and a new subdivision (b) is added to read as follows:
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3 (B) THE COURT, IN ITS DISCRETION, MAY, AFTER INSTRUCTING A JURY ON THE
4 LAW, PROVIDE THE JURY WITH A WRITTEN COPY OF THE COURT'S INSTRUCTIONS TO
5 SUCH JURY GIVEN DURING THE TRIAL, INCLUDING ALL PRELIMINARY
6 INSTRUCTIONS, INSTRUCTIONS PROVIDED DURING THE TRIAL AND INSTRUCTIONS
7 GIVEN AFTER THE CLOSING ARGUMENTS. WHEN WRITTEN JURY INSTRUCTIONS ARE
8 NOT AVAILABLE, THE COURT MAY PROVIDE SUCH INSTRUCTIONS TO THE JURY BY
9 MEANS OF AN AUDIO OR AUDIO-VIDEO RECORDING. ALL JURY INSTRUCTIONS
10 PROVIDED TO THE JURY IN WRITTEN OR RECORDED FORM MAY BE USED BY THE JURY
11 DURING ITS DELIBERATIONS.
12
13 S 2. Section 300.10 of the criminal procedure law is amended by adding
14 a new subdivision 7 to read as follows:
15 7. THE COURT, IN ITS OWN DISCRETION, MAY, AFTER CHARGING A JURY,
16 PROVIDE THE JURY WITH A WRITTEN COPY OF THE COURT'S INSTRUCTIONS AND
17 CHARGE TO THE JURY GIVEN DURING THE TRIAL, INCLUDING ALL PRELIMINARY
18 INSTRUCTIONS, INSTRUCTIONS PROVIDED DURING THE TRIAL, AND THE CHARGE AND
19 INSTRUCTIONS GIVEN AFTER THE SUMMATIONS. WHEN WRITTEN JURY INSTRUCTIONS
20 AND A WRITTEN JURY CHARGE ARE NOT AVAILABLE, THE COURT MAY PROVIDE SUCH
21 INSTRUCTION AND CHARGE TO THE JURY BY MEANS OF AN AUDIO OR AUDIO-VIDEO
22 RECORDING. ALL JURY INSTRUCTIONS AND THE CHARGE PROVIDED TO THE JURY IN

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

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1 WRITTEN OR RECORDED FORM MAY BE USED BY THE JURY DURING ITS DELIBER-
2 ATIONS.
3 S 3. This act shall take effect on the first of January next succeed-
4 ing the date on which it shall have become a law.