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

10685--A

I N A S S E M B L Y

April 14, 2010

Introduced by M. of A. O'DONNELL -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law, in relation to prosecutorial discretion to dismiss accusatory instruments

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

Section 1. Paragraph (b) of subdivision 3 of section 160.50 of the criminal procedure law, as amended by chapter 518 of the laws of 2004, is amended to read as follows:

(b) an order to dismiss the entire accusatory instrument against such person pursuant to section 170.30, 170.50, 170.55, 170.56, 180.70, 210.20, 210.46 or 210.47 of this chapter OR ON THE MOTION OF THE APPROPRIATE PROSECUTOR was entered or deemed entered, or an order terminating the prosecution against such person was entered pursuant to section 180.85 of this chapter, and the people have not appealed from such order or the determination of an appeal or appeals by the people from such order has been against the people; or

S 2. Paragraph (i) of subdivision 3 of section 160.50 of the criminal procedure law, as added by chapter 905 of the laws of 1977, and such subdivision as renumbered by chapter 142 of the laws of 1991, is amended to read as follows:

(i) prior to the filing of an accusatory instrument in a local criminal court against such person[,] OR AFTER THE FILING OF THE ACCUSATORY INSTRUMENT, BUT PRIOR TO AN ARRAIGNMENT the prosecutor elects not to prosecute such person. In such event, the prosecutor shall serve a certification of such disposition upon the division of criminal justice services and upon the appropriate police department or law enforcement agency which, upon receipt thereof, shall comply with the provisions of paragraphs (a), (b), (c) and (d) of subdivision one of this section in the same manner as is required thereunder with respect to an order of a court entered pursuant to said subdivision one.

S 3. 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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