

2505

2009-2010 Regular Sessions

I N A S S E M B L Y

January 16, 2009

Introduced by M. of A. PRETLOW -- Multi-Sponsored by -- M. of A. TOWNS  
-- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to permitting the electronic filing of papers in local criminal courts, where authorized by law

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

1 Section 1. Subdivision 5 of section 1.20 of the criminal procedure  
2 law, as separately amended by chapters 315, 383 and 729 of the laws of  
3 1972, is amended to read as follows:

4 5. "Simplified traffic information" means a written accusation,  
5 INCLUDING AN ACCUSATION WRITTEN IN ELECTRONIC FORM WHERE AUTHORIZED BY  
6 LAW, more fully defined and described in article one hundred, by a  
7 police officer or other public servant authorized by law to issue same,  
8 filed with a local criminal court, which, being in a brief or simplified  
9 form prescribed by the commissioner of motor vehicles, charges a person  
10 with one or more traffic infractions or misdemeanors relating to traf-  
11 fic, and which may serve both to commence a criminal action for such  
12 offense and as a basis for prosecution thereof.

13 S 2. Paragraph (b) of subdivision 5 of section 1.20 of the criminal  
14 procedure law, as amended by chapter 661 of the laws of 1972, is amended  
15 to read as follows:

16 (b) "Simplified traffic information" means a written accusation,  
17 INCLUDING AN ACCUSATION WRITTEN IN ELECTRONIC FORM WHERE AUTHORIZED BY  
18 LAW, by a police officer, or other public servant authorized by law to  
19 issue same, more fully defined and described in article one hundred,  
20 filed with a local criminal court, which, being in a brief or simplified  
21 form prescribed by the commissioner of motor vehicles, charges a person  
22 with one or more traffic infractions or misdemeanors relating to traf-  
23 fic, and which may serve both to commence a criminal action for such  
24 offense and as a basis for prosecution thereof.

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

LBD01582-01-9

1 S 3. Subdivision 17 of section 1.20 of the criminal procedure law is  
2 amended to read as follows:

3 17. "Commencement of criminal action." A criminal action is commenced  
4 by the filing, INCLUDING FILING BY ELECTRONIC MEANS WHERE AUTHORIZED BY  
5 LAW, of an accusatory instrument against a defendant in a criminal  
6 court, and, if more than one accusatory instrument is filed in the  
7 course of the action, it commences when the first of such instruments is  
8 filed.

9 S 4. This act shall take effect immediately.