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

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:

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

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

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

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

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

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

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

S 4. This act shall take effect immediately.