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

2802

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. KOLB, ERRIGO, HAWLEY, WALKER, CROUCH -- Multi-Sponsored by -- M. of A. CORWIN, RAIA -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the disposal of allegedly stolen motor vehicles

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

Section 1. Subdivision 1 and paragraph (a) of subdivision 4 of section 450.10 of the penal law, subdivision 1 as added by chapter 795 of the laws of 1984 and paragraph (a) of subdivision 4 as amended by chapter 421 of the laws of 1992, are amended to read as follows:

1. When property, other than STOLEN MOTOR VEHICLES OR contraband including but not limited to those items subject to the provisions of sections 410.00, 415.00, 420.00 and 420.05 of this chapter, alleged to have been stolen is in the custody of a police officer, a peace officer or a district attorney and a request for its release is made prior to or during the criminal proceeding, it may not be released except as provided in subdivisions two, three and four of this section. When a request is made for the return of stolen property under this section, the police officer, peace officer or district attorney in possession of such property must provide written notice to the defendant or his counsel of such request as soon as practicable. Such notice shall advise the defendant or his counsel of the date on which the property will be released and the name and address of a person with whom arrangements can be made for the examination, testing, photographing, photocopying or other reproduction of said property.

(a) Except as provided in [paragraphs (b) and] PARAGRAPH (c) of this subdivision and in subdivision eleven of this section, when a request is made for the release of property described in subdivision one of this section, and the property shall consist of perishables, fungible retail items, motor vehicles or any other property release of which is neces-

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

LBD03694-01-9

sary for either the operation of a business or the health or welfare of any person, the property shall be retained until either the expiration of a forty-eight hour period from the receipt by the defendant's counsel of the notice of the request, or the examination, testing and photocopying, photographing or other reproduction of such property, by the parties whichever event occurs first. The forty-eight hour period may be extended by up to twenty-four additional hours by agreement between the parties. For the purposes of this section, perishables shall mean any property likely to spoil or decay or diminish significantly in value within twenty days of the initial retention of the property.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.