

3497

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

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

AN ACT to amend the criminal procedure law, in relation to adjournments
in contemplation of dismissal in cases involving marihuana

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

1 Section 1. Subdivision 2 of section 170.56 of the criminal procedure
2 law, as added by chapter 1042 of the laws of 1971, is amended to read as
3 follows:
4 2. Upon ordering the action adjourned in contemplation of dismissal,
5 the court MUST RELEASE THE DEFENDANT ON HIS OR HER OWN RECOGNIZANCE AND
6 must set and specify such conditions for the adjournment as may be
7 appropriate[, and such]. SUCH conditions may include placing the defend-
8 ant under the supervision of any public or private agency. At any time
9 prior to dismissal the court may modify the conditions or extend or
10 reduce the term of the adjournment, except that the total period of
11 adjournment shall not exceed twelve months. Upon violation of any
12 condition fixed by the court, the court may revoke its order and restore
13 the case to the calendar and the prosecution thereupon must proceed. If
14 the case is not so restored to the calendar during the period fixed by
15 the court, the accusatory instrument is, at the expiration of such peri-
16 od, deemed to have been dismissed in the furtherance of justice.
17 S 2. This act shall take effect on the thirtieth day next succeeding
18 the date on which it shall have become a law and shall apply to all
19 adjournments in contemplation of dismissal ordered on and after such
20 date.

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

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