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2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. KAVANAGH -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to requiring a police identification line-up to be conducted sequentially

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

1 Section 1. Paragraph (b) of subdivision 2 of section 240.40 of the
2 criminal procedure law, as added by chapter 412 of the laws of 1979, is
3 amended to read as follows:
4 (b) may order the defendant to provide non-testimonial evidence. Such
5 order may, among other things, require the defendant to:
6 (i) Appear in a SEQUENTIAL line-up, ONE DEFENDANT AT A TIME;
7 (ii) Speak for identification by witness or potential witness;
8 (iii) Be fingerprinted;
9 (iv) Pose for photographs not involving reenactment of an event;
10 (v) Permit the taking of samples of blood, hair or other materials
11 from his body in a manner not involving an unreasonable intrusion there-
12 of or a risk of serious physical injury thereto;
13 (vi) Provide specimens of his handwriting;
14 (vii) Submit to a reasonable physical or medical inspection of his
15 body.
16 S 2. This act shall take effect on the first of November next succeed-
17 ing the date on which it shall have become a law.

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

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