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

6930

2009-2010 Regular Sessions

I N A S S E M B L Y

March 17, 2009

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

AN ACT to amend the criminal procedure law, in relation to permitting the videotaped examination of certain elderly special witnesses in grand jury proceedings

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

Section 1. Subparagraph (i) of paragraph (b) of subdivision 1 of section 190.32 of the criminal procedure law, as amended by chapter 320 of the laws of 2006, is amended to read as follows:

(i) Unable to attend and testify in person in the grand jury proceeding because the person is [either] physically ill [or], incapacitated, *OR ELDERLY AND POSSESSES A RESTRICTED CAPACITY TO EITHER AMBULATE OR ADEQUATELY FOCUS ATTENTION ON SPECIFIC EVENTS OR OCCURRENCES*; or

S 2. This act shall take effect immediately.

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

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