

9154

2009-2010 Regular Sessions

I N A S S E M B L Y

September 22, 2009

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

AN ACT to amend the criminal procedure law, in relation to admissibility of magnetic resonance imaging (MRI) brain scans in criminal proceedings

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

1 Section 1. The criminal procedure law is amended by adding a new
2 section 60.77 to read as follows:
3 S 60.77 RULES OF EVIDENCE; ADMISSIBILITY OF MAGNETIC RESONANCE IMAGING
4 (MRI) BRAIN SCANS.
5 IN A CRIMINAL PROCEEDING IN WHICH A DEFENDANT'S OR WITNESS'S TRUTHFUL-
6 NESS OR KNOWLEDGE OF A SPECIFIC EVENT IS IN ISSUE, EVIDENCE OF THE
7 DEFENDANT'S OR WITNESS'S BRAIN ACTIVITY OBTAINED THROUGH THE USE OF A
8 MAGNETIC RESONANCE IMAGING (MRI) BRAIN SCAN, SHALL BE DEEMED INADMISSI-
9 BLE.
10 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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