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

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2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to limiting plea bargaining for misdemeanor and felony charges

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

Section 1. Section 220.10 of the criminal procedure law is amended by adding a new subdivision 5-a to read as follows:

5-A. EXCEPT AS PROVIDED IN SUBDIVISION FIVE OF THIS SECTION, WHERE THE INDICTMENT CHARGES A MISDEMEANOR OR FELONY, ANY PLEA OF GUILTY THEREAFTER ENTERED IN SATISFACTION OF SUCH CHARGE SHALL INCLUDE AT LEAST A PLEA OF GUILTY TO THE VIOLATION OF A CRIME WHICH IS NOT MORE THAN ONE CLASS LOWER THAN THE CLASS OF CRIME WHICH WAS ORIGINALLY CHARGED AND NO OTHER DISPOSITION BY PLEA OF GUILTY TO ANY OTHER CHARGE IN SATISFACTION OF SUCH ORIGINAL CHARGE SHALL BE AUTHORIZED. IF THE DISTRICT ATTORNEY UPON REVIEWING THE AVAILABLE EVIDENCE DETERMINES THAT THE CHARGE OF A VIOLATION OF SUCH MISDEMEANOR OR FELONY IS NOT WARRANTED, SUCH DISTRICT ATTORNEY MAY CONSENT, AND THE COURT MAY ALLOW A DISPOSITION BY PLEA OF GUILTY TO ANOTHER CHARGE IN SATISFACTION OF SUCH CHARGE; PROVIDED, HOWEVER, IN ALL SUCH CASES, THE COURT SHALL SET FORTH UPON THE RECORD THE BASIS FOR SUCH DISPOSITION.

S 2. This act shall take effect on the first of November next succeeding 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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