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

2660--B

2009-2010 Regular Sessions

I N S E N A T E

February 26, 2009

Introduced by Sens. VOLKER, DeFRANCISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- reported favorably from said committee with amendments and committed to the Committee on Finance -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law, in relation to authorizing defendants to make electronic appearances in pending criminal actions

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

Section 1. Subdivision 1 of section 182.20 of the criminal procedure law, as amended by chapter 332 of the laws of 2009, is amended to read as follows:

1. Notwithstanding any other provision of law and except as provided in section 182.30 of this article, the court, in its discretion, may dispense with the personal appearance of the defendant, except an appearance at a hearing or trial, and conduct an electronic appearance in connection with a criminal action pending in [Albany, Bronx, Broome, Erie, Kings, New York, Niagara, Oneida, Onondaga, Ontario, Orange, Putnam, Queens, Richmond, St. Lawrence, Tompkins, Chautauqua, Cattaraugus, Clinton, Essex, Montgomery, Rensselaer, Warren, Westchester, Suffolk, Herkimer or Franklin county,] THIS STATE UPON WRITTEN APPLICATION OF A COUNTY TO THE CHIEF ADMINISTRATOR OF THE COURTS, EXCEPT THAT ANY COUNTY WITH PREVIOUS AUTHORIZATION BY LAW NEED NOT REAPPLY, AND provided that the chief administrator of the courts has authorized the use of electronic appearance and the defendant, after consultation with counsel, consents on the record. Such consent shall be required at the commencement of each electronic appearance to such electronic appearance.

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

LBD00996-04-0

S 2. This act shall take effect on the ninetieth day after it shall have become a law, provided, however, that the amendment to subdivision 1 of section 182.20 of the criminal procedure law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.