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I N   S E N A T E

February 1, 2010

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Introduced by Sens. ADDABBO, VOLKER, KRUGER, MAZIARZ, MONSERRATE, ONORATO, PADAVAN, 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 execution of bench warrants

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

1     Section 1. Subdivision 2 of section 530.70 of the criminal procedure  
2 law, as amended by chapter 352 of the laws of 1991, is amended to read  
3 as follows:  
4     2. A bench warrant may be addressed to: (a) any police officer whose  
5 geographical area of employment embraces either the place where the  
6 offense charged was allegedly committed or the locality of the court by  
7 which the warrant is issued; or (b) any uniformed court officer for a  
8 court in the city of New York, the county of Nassau, the county of  
9 Suffolk or the county of Westchester OR FOR ANY OTHER COURT that is part  
10 of the unified court system of the state for execution in the building  
11 wherein such court officer is employed or in the immediate vicinity  
12 thereof. A bench warrant must be executed in the same manner as a  
13 warrant of arrest, as provided in section 120.80, and following the  
14 arrest, such executing police officer or court officer must without  
15 unnecessary delay bring the defendant before the court in which it is  
16 returnable; provided, however, if the court in which the bench warrant  
17 is returnable is a city, town or village court, and such court is not  
18 available, and the bench warrant is addressed to a police officer, such  
19 executing police officer must without unnecessary delay bring the  
20 defendant before an alternate local criminal court, as provided in  
21 subdivision five of section 120.90; or if the court in which the bench  
22 warrant is returnable is a superior court, and such court is not avail-  
23 able, and the bench warrant is addressed to a police officer, such  
24 executing police officer may bring the defendant to the local correc-  
25 tional facility of the county in which such court sits, to be detained  
26 there until not later than the commencement of the next session of such  
27 court occurring on the next business day.  
28     S 2. This act shall take effect on the sixtieth day after it shall  
29 have become a law.

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

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