

8409

2011-2012 Regular Sessions

I N A S S E M B L Y

June 15, 2011

Introduced by M. of A. KAVANAGH -- Multi-Sponsored by -- M. of A.
BUTLER, CALHOUN, FINCH, GOTTFRIED, ORTIZ, REILLY, SCARBOROUGH, SWEENEY
-- read once and referred to the Committee on Codes

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 1 of section 182.20 of the criminal procedure
2 law, as amended by chapter 332 of the laws of 2009, is amended to read
3 as follows:
4 1. Notwithstanding any other provision of law and except as provided
5 in section 182.30 of this article, the court, in its discretion, may
6 dispense with the personal appearance of the defendant, except an
7 appearance at a hearing or trial, and conduct an electronic appearance
8 in connection with a criminal action pending in [Albany, Bronx, Broome,
9 Erie, Kings, New York, Niagara, Oneida, Onondaga, Ontario, Orange,
10 Putnam, Queens, Richmond, St. Lawrence, Tompkins, Chautauqua, Cattarau-
11 gus, Clinton, Essex, Montgomery, Rensselaer, Warren, Westchester,
12 Suffolk, Herkimer or Franklin county,] THIS STATE UPON WRITTEN APPLICA-
13 TION OF A COUNTY TO THE CHIEF ADMINISTRATOR OF THE COURTS, EXCEPT THAT
14 ANY COUNTY WITH PREVIOUS AUTHORIZATION BY LAW NEED NOT REAPPLY, AND
15 provided that the chief administrator of the courts has authorized the
16 use of electronic appearance and the defendant, after consultation with
17 counsel, consents on the record. Such consent shall be required at the
18 commencement of each electronic appearance to such electronic appear-
19 ance.
20 S 2. This act shall take effect on the ninetieth day after it shall
21 have become a law, provided, however, that the amendment to subdivision
22 1 of section 182.20 of the criminal procedure law made by section one of
23 this act shall not affect the repeal of such section and shall be deemed
24 repealed therewith.

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

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