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

1379

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

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

AN ACT to amend the executive law, in relation to prohibiting certain plea bargain limitations

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

Section 1. The executive law is amended by adding a new section 231 to read as follows:

S 231. PROSECUTION OF CERTAIN VIOLATIONS OF THE VEHICLE AND TRAFFIC LAW. 1. THE DIVISION OF STATE POLICE SHALL MAKE NO RULE OR REGULATION NOR SHALL OTHERWISE LIMIT A MEMBER OF THE STATE POLICE'S ABILITY TO MODIFY OR RECOMMEND THE MODIFICATION OF A CHARGE BEFORE A COURT RELATING TO A PETTY VIOLATION OF THE VEHICLE AND TRAFFIC LAW. IN ADDITION, A MEMBER WHO HAS ISSUED A CITATION OR UNIFORM TRAFFIC TICKET (HEREAFTER REFERRED TO AS THE "ISSUING MEMBER") TO A PERSON FOR COMMITTING A PETTY VIOLATION OF THE VEHICLE AND TRAFFIC LAW SHALL BE AUTHORIZED TO APPEAR BEFORE THE COURT IF AUTHORIZED BY THE LOCAL DISTRICT ATTORNEY WHERE SUCH VIOLATION IS RETURNABLE ON BEHALF OF THE PEOPLE OF THE STATE OF NEW YORK, AT A DATE DESIGNATED BY THE COURT, AND RECOMMEND TO THE COURT THE MODIFICATION OF THE ORIGINAL CHARGE OR CHARGES.

2. THIS SECTION IS NOT INTENDED TO AFFECT ANY PLEA BARGAIN LIMITATIONS OTHERWISE PROVIDED FOR IN THIS CHAPTER OR OTHER LAW OF THIS STATE, INCLUDING, BUT NOT LIMITED TO, THOSE LIMITATIONS SET FORTH FOR THE ALLEGED COMMISSION OF A VIOLATION OF ARTICLE THIRTY-ONE OF THE VEHICLE AND TRAFFIC LAW.

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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