

5116

2011-2012 Regular Sessions

I N   A S S E M B L Y

February 11, 2011

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Introduced by M. of A. OAKS, FINCH, KOLB -- Multi-Sponsored by -- M. of  
A. CALHOUN, CROUCH, JORDAN, McDONOUGH, SALADINO -- read once and  
referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to corrective  
remedies

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

1     Section 1. The criminal procedure law is amended by adding a new  
2     section 240.46 to read as follows:  
3     S 240.46 CORRECTIVE REMEDIES.  
4     A VIOLATION OF SECTION 240.45 WILL ENTITLE A PARTY TO A CORRECTIVE  
5     REMEDY UNDER SUBDIVISION ONE OF SECTION 240.70 ONLY IF THE PARTY'S  
6     SUBSTANTIAL RIGHTS ARE AFFECTED, AND ONLY TO THE EXTENT REQUIRED TO CURE  
7     THE PREJUDICE TO THOSE RIGHTS. A COURT SHALL NOT SET ASIDE A CONVICTION,  
8     OR REVERSE OR MODIFY A JUDGMENT, ON ACCOUNT OF A VIOLATION OF SECTION  
9     240.45 UNLESS THE DEFENDANT DEMONSTRATES THAT HIS OR HER SUBSTANTIAL  
10    RIGHTS ARE AFFECTED.  
11    S 2. This act shall take effect on the first of November next succeed-  
12    ing 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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