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

6874

2011-2012 Regular Sessions

I N A S S E M B L Y

April 5, 2011

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

AN ACT to amend the criminal procedure law, in relation to subpoena duces tecum

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

Section 1. Subdivision 3 of section 610.20 of the criminal procedure law is amended to read as follows:

3. An attorney for a defendant in a criminal action or proceeding, as an officer of a criminal court, may issue a subpoena of such court, subscribed by himself, for the attendance in such court of any witness whom the defendant is entitled to call in such action or proceeding. An attorney for a defendant may not issue a subpoena duces tecum of the court directed to any department, bureau or agency of the state or of a political subdivision thereof, or to any officer or representative thereof. Such a subpoena duces tecum may be issued in behalf of a defendant upon order of a court pursuant to the rules applicable to civil cases as provided in section twenty-three hundred seven of the civil practice law and rules. NOTHING IN THIS ARTICLE OR IN ARTICLE TWO HUNDRED FORTY OF THIS CHAPTER PRECLUDES ISSUANCE OF A COURT-ORDERED SUBPOENA DUCES TECUM FOR POLICE REPORTS OR RECORDS OR LAW ENFORCEMENT AGENCY REPORTS OR RECORDS CONTAINING NON-PRIVILEGED INFORMATION RELEVANT TO THE CRIMINAL ACTION OR PROCEEDING.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.

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

LBD10273-01-1