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

7452

2011-2012 Regular Sessions

I N A S S E M B L Y

May 4, 2011

Introduced by M. of A. M. MILLER -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to allowing fees to be charged in connection with the service of information subpoenas

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

Section 1. Subdivision (b) of rule 5224 of the civil practice law and rules, as amended by chapter 302 of the laws of 1994, is amended to read as follows:

(b) Fees. A judgment debtor served with a subpoena under this [section and any] RULE SHALL NOT BE ENTITLED TO ANY FEE. ANY other person served with an information subpoena shall [not be entitled to any fee] BE PAID IN ADVANCE THE SUM OF TEN DOLLARS, EXCEPT THAT A PERSON SERVED WITH AN INFORMATION SUBPOENA SHALL NOT BE ENTITLED TO A FEE WHERE THE STATE, A MUNICIPALITY, OR AN AGENCY OR OFFICER OF THE STATE OR A MUNICIPALITY, IS THE JUDGMENT CREDITOR. Any other person served with a subpoena requiring attendance or the production of books and papers shall be paid or tendered in advance authorized traveling expenses and one day's witness fee.

S 2. This act shall take effect on the first of January next succeeding 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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