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

5686

2011-2012 Regular Sessions

I N S E N A T E

June 10, 2011

Introduced by Sen. GRIFFO -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to authorizing the electronic appearance of a defendant statewide and removing the requirement that the defendant consent thereto

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

Section 1. Subdivisions 1 and 2 of section 182.20 of the criminal procedure law, subdivision 1 as amended by chapter 332 of the laws of 2009 and subdivision 2 as added by chapter 689 of the laws of 1993, are amended to read as follows:

1. Notwithstanding any other provision of law and except as provided in section 182.30 of this article, the court, in its discretion, may dispense with the personal appearance of the defendant, except an appearance at a hearing or trial, and conduct an electronic appearance in connection with a criminal action [pending in Albany, Bronx, Broome, Erie, Kings, New York, Niagara, Oneida, Onondaga, Ontario, Orange, Putnam, Queens, Richmond, St. Lawrence, Tompkins, Chautauqua, Cattaraugus, Clinton, Essex, Montgomery, Rensselaer, Warren, Westchester, Suffolk, Herkimer or Franklin county], provided that the chief administrator of the courts has authorized the use of electronic appearance [and the defendant, after consultation with counsel, consents on the record. Such consent shall be required at the commencement of each electronic appearance to such electronic appearance].

2. If, for any reason, the court determines on its own motion or [on the motion of any party that the conduct of an electronic appearance may impair the legal rights of the defendant, it shall not permit the electronic appearance to proceed. If, for any other articulated reason], either party requests at any time during the electronic appearance that such appearance be terminated, the court [shall] MAY grant such request and adjourn the proceeding to a date certain. Upon the adjourned date

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

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the proceeding shall be recommenced from the point at which the request for termination of the electronic appearance had been granted.

S 2. This act shall take effect on the first of September next succeeding the date on which it shall have become a law, provided that the amendments to section 182.20 of the criminal procedure law, made by section one of this act, shall not affect the repeal of such section and shall be deemed repealed therewith.