

6672

I N S E N A T E

March 8, 2012

Introduced by Sen. SALAND -- (at request of the Office of Court Administration) -- 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 a judicial hearing officer to accept a guilty plea when assigned to conduct a trial

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

1 Section 1. Subdivision 2 of section 350.20 of the criminal procedure  
2 law, as added by chapter 840 of the laws of 1983, is amended to read as  
3 follows:

4 2. In the discharge of this responsibility, the judicial hearing offi-  
5 cer shall have the same powers as a judge of the court in which the  
6 proceeding is pending, WHICH INCLUDES EXERCISING JURISDICTION OVER THE  
7 PROCEEDING AS DEFINED IN SUBDIVISION TWENTY-FOUR OF SECTION 1.20 AND  
8 SUBDIVISION ONE OF SECTION 10.30 OF THIS CHAPTER. The rules of evidence  
9 shall be applicable at a trial conducted by a judicial hearing officer.

10 S 2. Subdivision 1 of section 380.10 of the criminal procedure law, as  
11 amended by chapter 840 of the laws of 1983, is amended to read as  
12 follows:

13 1. In general. The procedure prescribed by this title applies to  
14 sentencing for every offense, whether defined within or outside of the  
15 penal law; provided, however, where a judicial hearing officer has  
16 conducted the trial pursuant to SUBDIVISION TWENTY-FOUR OF SECTION 1.20  
17 AND section 350.20 of this chapter, all references to a court herein  
18 shall be deemed references to such judicial hearing officer.

19 S 3. This act shall take effect on the first of November next succeed-  
20 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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