

582

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

---

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

AN ACT to amend the criminal procedure law, in relation to issuance of a warrant of arrest when a criminal action has been commenced in a local criminal court by the filing of a simplified information

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

1     Section 1. Subdivision 1 of section 120.20 of the criminal procedure  
2 law, as amended by chapter 506 of the laws of 2000, is amended to read  
3 as follows:  
4     1. When a criminal action has been commenced in a local criminal court  
5 by the filing therewith of an accusatory instrument, other than a  
6 simplified [traffic] information, against a defendant who has not been  
7 arraigned upon such accusatory instrument and has not come under the  
8 control of the court with respect thereto:  
9     (a) such court may, if such accusatory instrument is sufficient on its  
10 face, issue a warrant for such defendant's arrest; or  
11     (b) if such accusatory instrument is not sufficient on its face as  
12 prescribed in section 100.40, and if the court is satisfied that on the  
13 basis of the available facts or evidence it would be impossible to draw  
14 and file an accusatory instrument that is sufficient on its face, the  
15 court must dismiss the accusatory instrument.  
16     S 2. This act shall take effect on the first of November next succeeding  
17 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.

LBD01300-01-3