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

5649

2013-2014 Regular Sessions

I N S E N A T E

May 31, 2013

Introduced by COMMITTEE ON RULES -- (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 a plea of guilty

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

Section 1. Subdivision 5 of section 220.10 of the criminal procedure law is amended by adding a new paragraph (i) to read as follows:

(I) A DEFENDANT, WITH BOTH THE PERMISSION OF THE COURT AND THE CONSENT OF THE PEOPLE, MAY ENTER A PLEA OF GUILTY AS AUTHORIZED BY THIS SECTION, NOTWITHSTANDING THE PROVISIONS OF PARAGRAPHS (A), (B), (C), (D), (F) AND (H) OF THIS SUBDIVISION, WHEN UPON REVIEW OF THE NATURE AND CIRCUMSTANCES OF THE CRIMINAL CONDUCT, THE AVAILABLE EVIDENCE AND THE HISTORY AND CHARACTER OF THE DEFENDANT, THE PROSECUTOR AND THE COURT ARE OF THE OPINION THAT THE PLEA IS IN THE INTEREST OF JUSTICE. THE FACTORS WARRANTING THE PLEA SHALL BE PLACED ON THE RECORD; HOWEVER, THE FAILURE TO DO SO SHALL NOT ENTITLE THE DEFENDANT TO HAVE THE PLEA OF GUILTY SET ASIDE.

S 2. Paragraph (b) of subdivision 3 of section 220.30 of the criminal procedure law is amended by adding a new subparagraph (x) to read as follows:

(X) A DEFENDANT, WITH BOTH THE PERMISSION OF THE COURT AND THE CONSENT OF THE PEOPLE, MAY ENTER A PLEA OF GUILTY AS AUTHORIZED BY THIS SECTION, NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPHS (I), (II), (III), (IV), (V), (VI), (VII) AND (IX) OF THIS PARAGRAPH, WHEN UPON REVIEW OF THE NATURE AND CIRCUMSTANCES OF THE CRIMINAL CONDUCT, THE AVAILABLE EVIDENCE AND THE HISTORY AND CHARACTER OF THE DEFENDANT, THE PROSECUTOR AND THE COURT ARE OF THE OPINION THAT THE PLEA IS IN THE INTEREST OF JUSTICE. THE FACTORS WARRANTING THE PLEA SHALL BE PLACED ON THE RECORD; HOWEVER, THE FAILURE TO DO SO SHALL NOT ENTITLE THE DEFENDANT TO HAVE THE PLEA OF GUILTY SET ASIDE.

S 3. This act shall take effect immediately.

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

LBD10033-01-3