

7429

I N S E N A T E

May 14, 2014

Introduced by Sen. NOZZOLIO -- (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 subpoena duces tecum

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

1 Section 1. Section 610.40 of the criminal procedure law is amended to
2 read as follows:
3 S 610.40 Securing attendance of witnesses by subpoena; how and by whom
4 subpoena may be served.
5 A subpoena may be served by any person more than eighteen years old.
6 Service must be made in the manner provided by the civil practice law
7 and rules for the service of subpoenas in civil cases. UNLESS OTHERWISE
8 DIRECTED BY THE COURT OR IN CONNECTION WITH A GRAND JURY PROCEEDING,
9 WHERE SERVICE IS MADE PURSUANT TO SECTION TWO THOUSAND THREE HUNDRED
10 THREE OF THE CIVIL PRACTICE LAW AND RULES, A COPY OF A SUBPOENA DUCES
11 TECUM MUST BE SERVED ON THE ADVERSE PARTY ONLY WHEN THE SUBPOENA (I) IS
12 ISSUED BY THE PEOPLE AND SEEKS A DEFENDANT'S FINANCIAL, EMPLOYMENT,
13 EDUCATIONAL OR MEDICAL RECORDS, OR (II) IS ISSUED BY A DEFENDANT AND
14 SEEKS A CRIME VICTIM'S FINANCIAL, EMPLOYMENT, EDUCATIONAL OR MEDICAL
15 RECORDS.
16 S 2. This act shall take effect immediately.

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

LBD13855-01-4