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

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I N A S S E M B L Y

April 7, 2014

Introduced by M. of A. SIMANOWITZ -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to oral applications for a search warrant

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

Section 1. Subdivision 2 of section 690.36 of the criminal procedure law, as added by chapter 679 of the laws of 1982, is amended to read as follows:

2. Where an oral application for a search warrant is made, the applicant therefor must identify himself OR HERSELF and the purpose of his OR HER communication. After being sworn as provided in subdivision three of this section, the applicant must also make the statement required by paragraph (b) of subdivision [two] THREE of section 690.35 OF THIS ARTICLE and provide the same allegations of fact required by paragraph (c) of such subdivision; provided, however, persons, properly identified, other than the applicant may also provide some or all of such allegations of fact directly to the court. Where appropriate, the applicant may also make a request specified in subdivision [three] FOUR of section 690.35 OF THIS ARTICLE.

S 2. This act shall take effect immediately.

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

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