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

5569

2013-2014 Regular Sessions

I N S E N A T E

May 21, 2013

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 jury deliberations

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

Section 1. Section 310.30 of the criminal procedure law, as amended by chapter 208 of the laws of 1980, is amended to read as follows:

S 310.30 Jury deliberation; request for information.

At any time during its deliberation, the jury may request the court for further instruction or information with respect to the law, with respect to the content or substance of any trial evidence, or with respect to any other matter pertinent to the jury's consideration of the case. Upon such a request, the court must direct that the jury be returned to the courtroom and, after notice to both the people and counsel for the defendant, and in the presence of the defendant, must give such requested information or instruction as the court deems proper. With the consent of the parties and upon the request of the jury for further instruction with respect to a statute, the court may also give to the jury copies of the text of any statute which, in its discretion, the court deems proper. IN ADDITION, WHERE THE JURY REQUESTS A WRITTEN COPY OF THE COURT'S CHARGE, THE COURT MAY PROVIDE THE JURY WITH A COPY OF ITS ENTIRE CHARGE; PROVIDED, HOWEVER, THAT WHERE ALL PARTIES CONSENT TO PROVIDING A LIMITED PORTION OF THE CHARGE, THE COURT SHALL ONLY PROVIDE SUCH LIMITED PORTION. BEFORE PROVIDING WRITTEN INSTRUCTIONS TO THE JURY, THE COURT SHALL PERMIT COUNSEL TO EXAMINE THE WRITTEN INSTRUCTIONS, SHALL AFFORD COUNSEL AN OPPORTUNITY TO BE HEARD AND SHALL MARK THE WRITTEN INSTRUCTIONS AS A COURT EXHIBIT.

S 2. This act shall take effect immediately, and shall apply to all trials commenced on or after such effective date.

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

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