

7426

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 oral applications for a search warrant

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

1     Section 1. Subdivision 2 of section 690.36 of the criminal procedure  
2 law, as added by chapter 679 of the laws of 1982, is amended to read as  
3 follows:  
4     2. Where an oral application for a search warrant is made, the appli-  
5 cant therefor must identify himself OR HERSELF and the purpose of his OR  
6 HER communication. After being sworn as provided in subdivision three of  
7 this section, the applicant must also make the statement required by  
8 paragraph (b) of subdivision [two] THREE of section 690.35 OF THIS ARTI-  
9 CLE and provide the same allegations of fact required by paragraph (c)  
10 of such subdivision; provided, however, persons, properly identified,  
11 other than the applicant may also provide some or all of such allega-  
12 tions of fact directly to the court. Where appropriate, the applicant  
13 may also make a request specified in subdivision [three] FOUR of section  
14 690.35 OF THIS ARTICLE.  
15     S 2. This act shall take effect immediately.

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

LBD13857-01-4