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I N   S E N A T E

May 14, 2014

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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.

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