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

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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:

Section 1. Section 610.40 of the criminal procedure law is amended to read as follows:

S 610.40 Securing attendance of witnesses by subpoena; how and by whom subpoena may be served.

A subpoena may be served by any person more than eighteen years old. Service must be made in the manner provided by the civil practice law and rules for the service of subpoenas in civil cases. UNLESS OTHERWISE DIRECTED BY THE COURT OR IN CONNECTION WITH A GRAND JURY PROCEEDING, WHERE SERVICE IS MADE PURSUANT TO SECTION TWO THOUSAND THREE HUNDRED THREE OF THE CIVIL PRACTICE LAW AND RULES, A COPY OF A SUBPOENA DUCES TECUM MUST BE SERVED ON THE ADVERSE PARTY ONLY WHEN THE SUBPOENA (I) IS ISSUED BY THE PEOPLE AND SEEKS A DEFENDANT'S FINANCIAL, EMPLOYMENT, EDUCATIONAL OR MEDICAL RECORDS, OR (II) IS ISSUED BY A DEFENDANT AND SEEKS A CRIME VICTIM'S FINANCIAL, EMPLOYMENT, EDUCATIONAL OR MEDICAL RECORDS.

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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