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

10046

I N  A S S E M B L Y

May 6, 2016

Introduced by M. of A. CROUCH -- read once and referred to the Committee on Judiciary

AN ACT to amend the judiciary law, establishing guidelines for district attorneys with regard to electronic conversions of certain records, books or papers in the care, custody or control of the district attorney which are more than ten years old

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

Section 1. Section 89 of the judiciary law is amended by adding a new subdivision 3 to read as follows:

3. NOTWITHSTANDING AN OTHER PROVISIONS OF LAW, THE JUSTICES OF THE APPELLATE DIVISION OF THE SUPREME COURT IN EACH JUDICIAL DEPARTMENT MAY ON APPLICATION OF THE DISTRICT ATTORNEY OF ANY COUNTY WITHIN ITS JUDICIAL DEPARTMENT, DIRECT, BY ORDER, THAT THE DISTRICT ATTORNEY MAY ELECTRONICALLY FILE, WHETHER BY ELECTRONIC SCAN OR MICROFICHE, ANY RECORDS, BOOKS OR PAPERS IN THE CARE, CUSTODY OR CONTROL OF THE DISTRICT ATTORNEY WHICH ARE MORE THAN TEN YEARS OLD, WHETHER CURRENTLY IN USE OR NOT, THE ELECTRONIC FILING OF WHICH IN THE OPINION OF THE JUSTICES OF THE APPELLATE DIVISION WOULD SERVE NO LEGAL, PRACTICAL OR USEFUL PURPOSE, EXCEPT ANY RECORDS, BOOKS OR PAPERS RELATED TO A HOMICIDE CASE, AS DEFINED UNDER SECTION 125.00 OF THE PENAL LAW, WHETHER CURRENTLY IN USE OR NOT, AS WELL AS ANY PERMANENT RECORDS OF CRIMINAL CASES, PRINTED AND BOUND VOLUMES OF CASES ON APPEAL AND ORIGINAL INDICTMENTS. THE JUSTICES OF THE APPELLATE DIVISION AS A CONDITION OF SUCH DISPOSITION MAY REQUIRE THE WRITTEN CONSENT OF ANY STATE OR LOCAL DEPARTMENT OR AGENCY HAVING AN INTEREST IN SUCH RECORDS, BOOKS OR PAPERS.

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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