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

7373

I N S E N A T E

April 22, 2016

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 suspending jury deliberations

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

Section 1. Subdivision 2 of section 310.10 of the criminal procedure law, as amended by chapter 47 of the laws of 2001, is amended to read as follows:

2. At any time after the jury has been charged or commenced its deliberations, and after notice to the parties and affording such parties an opportunity to be heard on the record outside of the presence of the jury, the court may declare the deliberations to be in recess and may thereupon direct the jury to suspend its deliberations and to separate for a reasonable period of time to be specified by the court, [not to exceed twenty-four hours, except that in the case of a Saturday, Sunday or holiday, such separation may extend beyond such twenty-four hour period] NOT LASTING BEYOND CLOSE OF BUSINESS ON THE NEXT DAY OR, FOR GOOD CAUSE SHOWN, BEYOND CLOSE OF BUSINESS ON THE THIRD DAY FOLLOWING RECESS OF JURY DELIBERATIONS UNLESS BOTH PARTIES CONSENT TO A LONGER PERIOD OF SUSPENSION AND SEPARATION. FOR THE PURPOSES OF THIS SECTION, WHERE A DAY REFERRED TO IN THIS SUBDIVISION FALLS ON A SATURDAY, SUNDAY OR HOLIDAY, SUCH DAY SHALL MEAN THE NEXT DAY THEREAFTER DURING WHICH THE COURTHOUSE IS OPEN FOR THE CONDUCT OF TRIALS. Before each recess, the court must admonish the jury as provided in section 270.40 of this [chapter] TITLE and direct it not to resume its deliberations until all twelve jurors have reassembled in the designated place at the termination of the declared recess.

S 2. This act shall take effect immediately, and shall apply to all criminal actions pending 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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