7373

I N   S E N A T E

April 22, 2016
_____

Introduced by Sen. NOZZOLIO -- (at request of the Office of Court Admin-
  istration) -- 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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1   Section 1. Subdivision 2 of section 310.10 of the criminal procedure
2 law, as amended by chapter 47 of the laws of 2001, is amended to read as
3 follows:
4   2. At any time after the jury has been charged or commenced its delib-
5 erations, and after notice to the parties and affording such parties an
6 opportunity to be heard on the record outside of the presence of the
7 jury, the court may declare the deliberations to be in recess and may
8 thereupon direct the jury to suspend its deliberations and to separate
9 for a reasonable period of time to be specified by the court, [not to
10 exceed twenty-four hours, except that in the case of a Saturday, Sunday
11 or holiday, such separation may extend beyond such twenty-four hour
12 period] NOT LASTING BEYOND CLOSE OF BUSINESS ON THE NEXT DAY OR, FOR
13 GOOD CAUSE SHOWN, BEYOND CLOSE OF BUSINESS ON THE THIRD DAY FOLLOWING
14 RECESS OF JURY DELIBERATIONS UNLESS BOTH PARTIES CONSENT TO A LONGER
15 PERIOD OF SUSPENSION AND SEPARATION. FOR THE PURPOSES OF THIS SECTION,
16 WHERE A DAY REFERRED TO IN THIS SUBDIVISION FALLS ON A SATURDAY, SUNDAY
17 OR HOLIDAY, SUCH DAY SHALL MEAN THE NEXT DAY THEREAFTER DURING WHICH THE
18 COURTHOUSE IS OPEN FOR THE CONDUCT OF TRIALS. Before each recess, the
19 court must admonish the jury as provided in section 270.40 of this
20 [chapter] TITLE and direct it not to resume its deliberations until all
21 twelve jurors have reassembled in the designated place at the termi-
22 nation of the declared recess.
23   S 2. This act shall take effect immediately, and shall apply to all
24 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.
S   LBD09724-03-6