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

7254

2015-2016 Regular Sessions

I N A S S E M B L Y

April 29, 2015

Introduced by M. of A. DILAN -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to termination of an action in favor of an accused

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

Section 1. Subdivision 4 of section 160.55 of the criminal procedure law, as added by chapter 192 of the laws of 1980 and as renumbered by chapter 142 of the laws of 1991, is amended to read as follows:

4. This section shall not apply to an action terminated in a manner described in paragraph (k) of subdivision [two] THREE of section 160.50 of this [chapter] ARTICLE.

S 2. Section 160.60 of the criminal procedure law, as amended by chapter 877 of the laws of 1976, is amended to read as follows:

S 160.60 Effect of termination of criminal actions in favor of the accused.

Upon the termination of a criminal action or proceeding against a person in favor of such person, as defined in subdivision [two] THREE of section 160.50 of this [chapter] ARTICLE, the arrest and prosecution shall be deemed a nullity and the accused shall be restored, in contemplation of law, to the status he OR SHE occupied before the arrest and prosecution. The arrest or prosecution shall not operate as a disqualification of any person so accused to pursue or engage in any lawful activity, occupation, profession, or calling. Except where specifically required or permitted by statute or upon specific authorization of a superior court, no such person shall be required to divulge information pertaining to the arrest or prosecution.

S 3. 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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