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

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I N A S S E M B L Y

March 10, 2016

Introduced by M. of A. JOYNER, LENTOL -- (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 erroneously excluded evidence and trial orders of dismissal, and repealing certain provisions of such law relating thereto

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

Section 1. Subdivisions 2 and 3 of section 290.10 of the criminal procedure law are REPEALED.

S 2. Subdivision 1 of section 450.40 of the criminal procedure law is amended to read as follows:

1. An appeal by the people from a trial order of dismissal, as authorized by subdivision two of section 450.20, may, as indicated by section 290.10, be based [either (a)] upon the ground that the evidence adduced at the trial was legally sufficient to support the count or counts of the accusatory instrument dismissed by the order[, or (b) upon the ground that, though not legally sufficient, such evidence would have been legally sufficient had the court not erroneously excluded admissible evidence offered by the people].

S 3. Subdivision 2 of section 450.40 of the criminal procedure law is REPEALED.

S 4. 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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