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

7246

I N S E N A T E

April 11, 2016

Introduced by Sen. DeFRANCISCO -- (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 granting a defendant poor person relief on appeal

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

Section 1. The criminal procedure law is amended by adding a new section 380.55 to read as follows:

S 380.55 APPLICATION FOR POOR PERSON RELIEF ON APPEAL.

WHERE COUNSEL HAS BEEN ASSIGNED TO REPRESENT A DEFENDANT AT TRIAL ON THE GROUND THAT THE DEFENDANT IS FINANCIALLY UNABLE TO RETAIN COUNSEL, THE COURT MAY IN ITS DISCRETION AT THE TIME OF SENTENCING ENTERTAIN AN APPLICATION TO GRANT THE DEFENDANT POOR PERSON RELIEF ON APPEAL. AS PART OF AN APPLICATION FOR SUCH RELIEF, ASSIGNED COUNSEL MUST REPRESENT THAT THE DEFENDANT CONTINUES TO BE ELIGIBLE FOR ASSIGNMENT OF COUNSEL AND THAT GRANTING THE APPLICATION WILL EXPEDITE THE APPEAL. IF THE COURT GRANTS THE APPLICATION, IT SHALL FILE A WRITTEN ORDER AND SHALL PROVIDE A COPY OF THE ORDER TO THE APPROPRIATE APPELLATE COURT. THE DENIAL OF AN APPLICATION SHALL NOT PRECLUDE THE DEFENDANT FROM MAKING A DE NOVO APPLICATION FOR POOR PERSON RELIEF TO THE APPROPRIATE APPELLATE COURT.

S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD13998-01-6