STATE OF NEW YORK

3286

2017-2018 Regular Sessions

IN ASSEMBLY

January 27, 2017

Introduced by M. of A. SCHIMMINGER, OTIS, SIMOTAS, ENGLEBRIGHT, GUNTHER, JAFFEE, COOK, BRONSON -- Multi-Sponsored by -- M. of A. MAGEE, PEOPLES-STOKES, PERRY, SKARTADOS, STECK, THIELE -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to examination of witnesses

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 2 of section 660.20 of the criminal procedure law is amended to read as follows:

2. Will not be amenable or responsive to legal process or available as a witness at a time when his testimony will be sought, either because he is:

(a) About to leave the state and not return for a substantial period of time; or

(b) Physically ill or [~~incapacited.~~] **incapacitated; or**

(c) Of advanced age which, for the purposes of this subdivision shall mean a person who has attained the age of seventy-five years.

§ 2. 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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