

STATE OF NEW YORK

8687--A

2017-2018 Regular Sessions

IN ASSEMBLY

September 25, 2017

Introduced by M. of A. OTIS, McDONALD, BRABENEC -- read once and referred to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law, in relation to the definition of an accusatory instrument

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

1 Section 1. Subdivision 1 of section 1.20 of the criminal procedure
2 law, as amended by chapter 209 of the laws of 1990, is amended to read
3 as follows:

4 1. "Accusatory instrument" means: (a) an indictment, an indictment
5 ordered reduced pursuant to subdivision one-a of section 210.20 of this
6 chapter, an information, a simplified information, a prosecutor's infor-
7 mation, a superior court information, a misdemeanor complaint or a felo-
8 ny complaint. Every accusatory instrument, regardless of the person
9 designated therein as accuser, constitutes an accusation on behalf of
10 the state as plaintiff and must be entitled "the people of the state of
11 New York" against a designated person, known as the defendant[-]; and

12 (b) an appearance ticket issued for a parking infraction when (i) such
13 ticket is based on personal knowledge or information and belief of the
14 police officer or other public servant who issues the ticket, (ii) the
15 police officer or other public servant who issues such ticket verifies
16 that false statements made therein are punishable as a class A misdemea-
17 nor, (iii) the infraction or infractions contained therein are stated in
18 detail and not in conclusory terms so as to provide the defendant with
19 sufficient notice including, but not limited, to the applicable
20 provision of law allegedly violated, and the date, time and particular
21 place of the alleged infraction, and (iv) such ticket contains: (1) the
22 license plate designation of the ticketed vehicle, (2) the license plate

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

LBD13470-02-8

1 type of the ticketed vehicle, (3) the expiration of the ticketed vehi-
2 cle's registration, (4) the make or model of the ticketed vehicle, and
3 (5) the body type of the ticketed vehicle, provided, however, that where
4 the plate type or the expiration date are not shown on either the regis-
5 tration plates or sticker of a vehicle or where the registration sticker
6 is covered, faded, defaced or mutilated so that it is unreadable, the
7 plate type or the expiration date may be omitted, provided, further,
8 however, that such condition must be so described and inserted on the
9 instrument.

10 § 2. Subdivision 1 of section 150.50 of the criminal procedure law, as
11 amended by chapter 549 of the laws of 1987, is amended to read as
12 follows:

13 1. A police officer or other public servant who has issued and served
14 an appearance ticket must, at or before the time such appearance ticket
15 is returnable, file or cause to be filed with the local criminal court
16 in which it is returnable a local criminal court accusatory instrument
17 charging the person named in such appearance ticket with the offense
18 specified therein; provided, however, that no separate accusatory
19 instrument shall be required to be filed for an appearance ticket issued
20 for a parking infraction which conforms to the requirements set forth in
21 paragraph (b) of subdivision one of section 1.20 of this chapter. Noth-
22 ing herein contained shall authorize the use of a simplified information
23 when not authorized by law.

24 § 3. This act shall take effect immediately.