STATE OF NEW YORK

6763

2017-2018 Regular Sessions

IN SENATE

June 16, 2017

Introduced by Sen. LANZA -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the criminal procedure law, in relation to perfecting appeals from local criminal courts based on mechanical or electronic recordings

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

Section 1. Subdivision 2 and the opening paragraph of subdivision 3 of section 460.10 of the criminal procedure law, as amended by chapter 671 of the laws of 1971, are amended to read as follows:

2. An appeal taken as of right to a county court or to an appellate term of the supreme court from a judgment, sentence or order of a local criminal court in a case in which the underlying proceedings were recorded by a court stenographer **or by mechanical or electronic means** is taken in the manner provided in subdivision one; except that where no clerk is employed by such local criminal court the appellant must file the notice of appeal with the judge of such court, and must further file a copy thereof with the clerk of the appellate court to which the appeal is being taken.

An appeal taken as of right to a county court or to an appellate term of the supreme court from a judgment, sentence or order of a local criminal court in a case in which the underlying proceedings were not recorded by a court stenographer **or by mechanical or electronic means** is taken as follows:

§ 2. The second undesignated paragraph of subdivision 1 of section 460.70 of the criminal procedure law, as amended by chapter 83 of the laws of 1995, is amended to read as follows:

When an appeal is taken by a defendant pursuant to section 450.10 **or subdivision two of section 460.10**, a transcript shall be prepared and settled and shall be filed with the criminal court by the court repor-

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

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ter. The expense for such transcript and any reproduced copies of such transcript shall be paid by the defendant. Where the defendant is granted permission to proceed as a poor person by the appellate court, the court reporter shall promptly make and file with the criminal court a transcript of the stenographic minutes of such proceedings as the appellate court shall direct. The expense of transcripts and any reproduced copies of transcripts prepared for poor persons under this section shall be a state charge payable out of funds appropriated to the office of court administration for that purpose. The appellate court shall where such is necessary for perfection of the appeal, order that the criminal court furnish a reproduced copy of such transcript to the defendant or his **or her** counsel.

§ 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law, and shall apply to all actions in which a notice of appeal from a local criminal court to an intermediate appellate court is filed on or after such date.