

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:

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

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

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

18 § 2. The second undesignated paragraph of subdivision 1 of section
19 460.70 of the criminal procedure law, as amended by chapter 83 of the
20 laws of 1995, is amended to read as follows:

21 When an appeal is taken by a defendant pursuant to section 450.10 or
22 subdivision two of section 460.10, a transcript shall be prepared and
23 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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1 ter. The expense for such transcript and any reproduced copies of such
2 transcript shall be paid by the defendant. Where the defendant is grant-
3 ed permission to proceed as a poor person by the appellate court, the
4 court reporter shall promptly make and file with the criminal court a
5 transcript of the stenographic minutes of such proceedings as the appel-
6 late court shall direct. The expense of transcripts and any reproduced
7 copies of transcripts prepared for poor persons under this section shall
8 be a state charge payable out of funds appropriated to the office of
9 court administration for that purpose. The appellate court shall where
10 such is necessary for perfection of the appeal, order that the criminal
11 court furnish a reproduced copy of such transcript to the defendant or
12 his or her counsel.

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