STATE OF NEW YORK

5034

2019-2020 Regular Sessions

IN SENATE

April 4, 2019

Introduced by Sen. HOYLMAN -- 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 jury deliberation requirements

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

Section 1. Subdivision 2 of section 310.10 of the criminal procedure law, as amended by chapter 47 of the laws of 2001, is amended to read as follows:

2. At any time after the jury has been charged or commenced its deliberations, and after notice to the parties and affording such parties an opportunity to be heard on the record outside of the presence of the jury, the court may declare the deliberations to be in recess and may thereupon direct the jury to suspend its deliberations and to separate for a reasonable period of time to be specified by the court, not to exceed [~~twenty-four~~] **forty-eight** hours[~~, except that~~]**. However,** in the case of a Saturday, Sunday or holiday, **or a circumstance which constitutes good cause to delay resuming deliberations,** such separation may extend beyond such [~~twenty-four~~] **forty-eight** hour period. Before each recess, the court must admonish the jury as provided in section 270.40 of this chapter and direct it not to resume its deliberations until all twelve jurors have reassembled in the designated place at the termination of the declared recess.

§ 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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