STATE OF NEW YORK

5078

2019-2020 Regular Sessions

IN SENATE

April 8, 2019

Introduced by Sen. KAPLAN -- 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 the definition of an accusatory instrument

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

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

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

(b) an appearance ticket issued for a parking infraction when (i) such ticket is based on personal knowledge or information and belief of the police officer or other public servant who issues the ticket, (ii) the police officer or other public servant who issues such ticket verifies that false statements made therein are punishable as a class A misdemeanor, (iii) the infraction or infractions contained therein are stated in detail and not in conclusory terms so as to provide the defendant with sufficient notice including, but not limited, to the applicable provision of law allegedly violated, and the date, time and particular place of the alleged infraction, and (iv) such ticket contains: (1) the license plate designation of the ticketed vehicle, (2) the license plate type of the ticketed vehicle, (3) the expiration of the ticketed vehicle's registration, (4) the make or model of the ticketed vehicle, and (5) the body type of the ticketed vehicle, provided, however, that where

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

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the plate type or the expiration date are not shown on either the registration plates or sticker of a vehicle or where the registration sticker is covered, faded, defaced or mutilated so that it is unreadable, the plate type or the expiration date may be omitted, provided, further, however, that such condition must be so described and inserted on the instrument.

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

1. A police officer or other public servant who has issued and served an appearance ticket must, at or before the time such appearance ticket is returnable, file or cause to be filed with the local criminal court in which it is returnable a local criminal court accusatory instrument charging the person named in such appearance ticket with the offense specified therein**; provided, however, that no separate accusatory instrument shall be required to be filed for an appearance ticket issued for a parking infraction which conforms to the requirements set forth in paragraph (b) of subdivision one of section 1.20 of this chapter**. Nothing herein contained shall authorize the use of a simplified information when not authorized by law.

§ 3. This act shall take effect immediately.