

STATE OF NEW YORK

10905

IN ASSEMBLY

August 17, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Perry) --
read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to the calculation of the time limitation applicable to commencement of a criminal action when the defendant is entitled to immunity from prosecution as a result of his or her entitlement to full, partial or qualified immunity by virtue of holding an elected public office; and to amend the civil practice law and rules, in relation to the calculation of the time in which certain prosecutions and actions must be commenced when the defendant is entitled to immunity from prosecution as a result of his or her entitlement to full, partial or qualified immunity by virtue of holding an elected public office

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

1 Section 1. This act shall be known and may be cited as the "New York
2 no citizen is above the law act".

3 § 2. Subdivision 4 of section 30.10 of the criminal procedure law is
4 amended by adding a new paragraph (c) to read as follows:

5 (c) Any period following the commission of the offense during which
6 the defendant was entitled to immunity from prosecution as a result of
7 his or her entitlement to full, partial or qualified immunity by virtue
8 of holding an elected public office.

9 § 3. The civil practice law and rules is amended by adding a new
10 section 207-a to read as follows:

11 § 207-a. Defendant's immunity from prosecution. Where a defendant is
12 entitled to immunity from the commencement of an action in the courts of
13 the state as a result of his or her entitlement to full, partial or
14 qualified immunity by virtue of holding an elected public office, wheth-
15 er the cause of action accrued during or prior to the commencement of
16 such period of immunity, the time that elapses between the commencement
17 of the period of the immunity and the termination of the period of the
18 immunity is not a part of the time within which the action must be
19 commenced.

20 § 4. This act shall take effect immediately and shall apply to all
21 criminal actions and civil court actions occurring on, before and after
22 such effective date.

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

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