STATE OF NEW YORK

5600

2019-2020 Regular Sessions

IN ASSEMBLY

February 13, 2019

Introduced by M. of A. MANKTELOW -- Multi-Sponsored by -- M. of A. DeSTEFANO, McDONOUGH -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to corrective remedies

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

Section 1. The criminal procedure law is amended by adding a new section 240.46 to read as follows:

§ 240.46 Corrective remedies.

A violation of section 240.45 will entitle a party to a corrective remedy under subdivision one of section 240.70 only if the party's substantial rights are affected, and only to the extent required to cure the prejudice to those rights. A court shall not set aside a conviction, or reverse or modify a judgment, on account of a violation of section 240.45 unless the defendant demonstrates that his or her substantial rights are affected.

§ 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

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