

# STATE OF NEW YORK

9105

## IN ASSEMBLY

January 21, 2020

Introduced by M. of A. THIELE, GRIFFIN -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to issuing an additional stay of up to twenty-one days for the timing of discovery in certain courts

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

1 Section 1. Paragraph (a) of subdivision 1 of section 245.10 of the  
2 criminal procedure law, as amended by section 2 of part LLL of chapter  
3 59 of the laws of 2019, is amended to read as follows:

4 (a) The prosecution shall perform its initial discovery obligations  
5 under subdivision one of section 245.20 of this article as soon as prac-  
6 ticable but not later than fifteen calendar days after the defendant's  
7 arraignment on an indictment, superior court information, prosecutor's  
8 information, information, simplified information, misdemeanor complaint  
9 or felony complaint. Portions of materials claimed to be non-discovera-  
10 ble may be withheld pending a determination and ruling of the court  
11 under section 245.70 of this article; but the defendant shall be noti-  
12 fied in writing that information has not been disclosed under a partic-  
13 ular subdivision of such section, and the discoverable portions of such  
14 materials shall be disclosed to the extent practicable. When the discov-  
15 erable materials are exceptionally voluminous or, despite diligent, good  
16 faith efforts, are otherwise not in the actual possession of the prose-  
17 cution, the time period in this paragraph may be stayed by up to an  
18 additional thirty calendar days without need for a motion pursuant to  
19 subdivision two of section 245.70 of this article. Notwithstanding the  
20 foregoing, in a town or village court which convenes on a bi-monthly  
21 basis or less frequently, the time periods in this paragraph may be  
22 stayed by up to an additional twenty-one days without need for a motion  
23 pursuant to subdivision two of section 245.70 of this article.

24 § 2. This act shall take effect immediately; provided, however that if  
25 section 2 of part LLL of chapter 59 of the laws of 2019 shall not have  
26 taken effect on or before such date, then section one of this act shall  
27 take effect on the same date and in the same manner as such section 2 of  
28 part LLL of chapter 59 of the laws of 2019, takes effect.

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

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