

# STATE OF NEW YORK

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6351

2019-2020 Regular Sessions

## IN SENATE

June 6, 2019

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Introduced by Sen. BAILEY -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the criminal procedure law, in relation to suspending jury deliberations

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

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

4 2. At any time after the jury has been charged or commenced its delib-  
5 erations, and after notice to the parties and affording such parties an  
6 opportunity to be heard on the record outside of the presence of the  
7 jury, the court may declare the deliberations to be in recess and may  
8 thereupon direct the jury to suspend its deliberations and to separate  
9 for a reasonable period of time to be specified by the court, [~~not to~~  
10 ~~exceed twenty-four hours, except that in the case of a Saturday, Sunday~~  
11 ~~or holiday, such separation may extend beyond such twenty-four hour~~  
12 ~~period]~~ not lasting beyond close of business on the second day following  
13 such recess or, for good cause shown, beyond close of business on the  
14 third day following recess of jury deliberations unless the defendant  
15 consents to a longer period of suspension and separation. For the  
16 purposes of this section, where a day referred to in this subdivision  
17 falls on a Saturday, Sunday or holiday, such day shall mean the next day  
18 thereafter during which the courthouse is open for the conduct of  
19 trials. Before each recess, the court must admonish the jury as  
20 provided in section 270.40 of this [~~chapter~~] title and direct it not to  
21 resume its deliberations until all twelve jurors have reassembled in the  
22 designated place at the termination of the declared recess.

23 § 2. This act shall take effect immediately, and shall apply to all  
24 criminal actions pending on or after such effective date.

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

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