STATE OF NEW YORK

7121

IN SENATE

(Prefiled)

January 8, 2020

Introduced by Sen. GAUGHRAN -- 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 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:

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

(a) The prosecution shall perform its initial discovery obligations under subdivision one of section 245.20 of this article as soon as practicable but not later than fifteen calendar days after the defendant's arraignment on an indictment, superior court information, prosecutor's information, information, simplified information, misdemeanor complaint or felony complaint. Portions of materials claimed to be non-discoverable may be withheld pending a determination and ruling of the court under section 245.70 of this article; but the defendant shall be notified in writing that information has not been disclosed under a particular subdivision of such section, and the discoverable portions of such materials shall be disclosed to the extent practicable. When the discoverable materials are exceptionally voluminous or, despite diligent, good faith efforts, are otherwise not in the actual possession of the prosecution, the time period in this paragraph may be stayed by up to an additional thirty calendar days without need for a motion pursuant to subdivision two of section 245.70 of this article. **Notwithstanding the foregoing, in a town or village court which convenes on a bi-monthly basis or less frequently, the time periods in this paragraph may be stayed by up to an additional twenty-one days without need for a motion pursuant to subdivision two of section 245.70 of this article.**

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