STATE OF NEW YORK

85

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sens. KAMINSKY, ADDABBO, BAILEY, BENJAMIN, BROOKS, CARLUCCI, COMRIE, HOYLMAN, KAVANAGH, KRUEGER, MAYER, PARKER, SEPULVEDA, SERRANO, STAVISKY -- 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 the prosecution of certain offenses when a reprieve, pardon or other form of clemency for such offense has been granted

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

Section 1. Section 40.30 of the criminal procedure law is amended by adding a new subdivision 5 to read as follows:

5. (a) Despite the occurrence of proceedings specified in subdivision one, a person is not deemed to have been prosecuted for an offense, within the meaning of section 40.20, when such person has been granted a reprieve, pardon or other form of clemency for such offense pursuant to the authority granted in section two of article two of the United States constitution.

(b) Paragraph (a) of this subdivision shall not apply to a reprieve, pardon or other form of clemency for an offense if the person was convicted and sentenced for such offense and the reprieve, pardon or other form of clemency was granted five years or more after entry of judgment for such offense.

§ 2. This act shall take effect immediately, and shall apply to offenses committed on or after such date and shall also apply to offenses committed before such date where the proceedings specified in subdivision 1 of section 40.30 of the criminal procedure law have not occurred as of such date.

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

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