STATE OF NEW YORK

8973

IN SENATE

September 9, 2020

Introduced by Sens. GIANARIS, HOYLMAN, KENNEDY, STAVISKY -- 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 enacting the "New York no citizen is above the law act"

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

Section 1. Short title. This act shall be known and may be cited as the "New York no citizen is above the law act".

§ 2. Subdivision 4 of section 30.10 of the criminal procedure law is amended by adding a new paragraph (c) to read as follows:

(c) Any period following the commission of the offense during which the defendant was entitled to immunity from prosecution as a result of his or her entitlement to full, partial or qualified immunity by virtue of holding the office of president of the United States.

§ 3. The civil practice law and rules is amended by adding a new section 207-a to read as follows:

§ 207-a. Defendant's immunity from prosecution. Where a defendant is entitled to immunity from the commencement of an action in the courts of the state as a result of his or her entitlement to full, partial or qualified immunity by virtue of holding the office of president of the United States, whether the cause of action accrued during or prior to the commencement of such period of immunity, the time that elapses between the commencement of the period of the immunity and the termination of the period of the immunity is not a part of the time within which the action must be commenced.

§ 4. This act shall take effect immediately and shall apply to all criminal actions and civil court actions occurring on, before and after such effective date.

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

LBD17062-05-0