

STATE OF NEW YORK

7046

2021-2022 Regular Sessions

IN SENATE

May 26, 2021

Introduced by Sen. O'MARA -- 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 permitting certain defendants in a criminal action in Chemung, Schuyler, or Yates county to appear electronically, with the approval of the court

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

1 Section 1. Subdivision 1 of section 182.20 of the criminal procedure
2 law, as amended by chapter 332 of the laws of 2009, is amended to read
3 as follows:

4 1. Notwithstanding any other provision of law and except as provided
5 in section 182.30 of this article, the court, in its discretion, may
6 dispense with the personal appearance of the defendant, except an
7 appearance at a hearing or trial, and conduct an electronic appearance
8 in connection with a criminal action pending in Albany, Bronx, Broome,
9 Erie, Kings, New York, Niagara, Oneida, Onondaga, Ontario, Orange,
10 Putnam, Queens, Richmond, St. Lawrence, Tompkins, Chautauqua, Cattaraugus,
11 Clinton, Essex, Montgomery, Rensselaer, Warren, Westchester,
12 Suffolk, Herkimer [~~ex~~], Franklin, Chemung, Schuyler, or Yates county,
13 provided that the chief administrator of the courts has authorized the
14 use of electronic appearance and the defendant, after consultation with
15 counsel, consents on the record. Such consent shall be required at the
16 commencement of each electronic appearance to such electronic appear-
17 ance.

18 § 2. This act shall take effect immediately, provided, however, that
19 the amendments to subdivision 1 of section 182.20 of the criminal proce-
20 dure law made by section one of this act shall not affect the repeal of
21 such section and shall be deemed repealed therewith.

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

LBD11698-01-1