STATE OF NEW YORK

9077

IN SENATE

May 6, 2022

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, the executive law and the civil practice law and rules, in relation to protection of abortion service providers

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

Section 1. The criminal procedure law is amended by adding a new section 570.17 to read as follows:

§ 570.17 Extradition of abortion providers.

No demand for the extradition of a person charged with providing an abortion shall be recognized by the governor unless the executive authority of the demanding state shall allege in writing that the accused was present in the demanding state at the time of the commission of the alleged offense, and that thereafter he, she or they fled from that state.

§ 2. Section 140.10 of the criminal procedure law is amended by adding a new subdivision 3-a to read as follows:

3-a. A police officer may not arrest any person for performing or aiding in the performance of an abortion within this state, or in procuring an abortion in this state, if the abortion is performed in accordance with the provisions of article twenty-five-A of the public health law or any other applicable law of this state.

§ 3. The executive law is amended by adding a new section 837-w to read as follows:

§ 837-w. Cooperation with certain out-of-state investigations. No state or local law enforcement agency shall cooperate with or provide information to any individual or out-of-state agency or department regarding the provision of a lawful abortion performed in this state. Nothing in this section shall prohibit the investigation of any criminal activity in this state which may involve the performance of an abortion, provided that no information relating to any medical procedure performed on a specific individual may be shared with an out-of-state agency or

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

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any other individual. Nothing in this section shall prohibit compliance with a valid, court-issued subpoena or warrant.

§ 4. Section 3119 of the civil practice law and rules is amended by adding a new subdivision (g) to read as follows:

(g) Out-of-state abortion proceedings. Notwithstanding any other provisions of this section or any other law, no court or county clerk shall issue a subpoena under this section in connection with an out-of-state proceeding relating to any abortion services or procedures which were legally performed in this state, unless such out-of-state proceeding (1) sounds in tort or contract, or is based on statute, (2) is actionable, in an equivalent or similar manner, under the laws of this state, and (3) was brought by the patient who received reproductive healthcare, or the patient's legal representative, or a party with a contractual relationship with the person who is the subject of the requested subpoena.

§ 5. Subdivision (e) of section 3102 of the civil practice law and rules, as amended by chapter 29 of the laws of 2010, is amended to read as follows:

(e) Action pending in another jurisdiction. Except as provided in section three thousand one hundred nineteen of this article, when under any mandate, writ or commission issued out of any court of record in any other state, territory, district or foreign jurisdiction, or whenever upon notice or agreement, it is required to take the testimony of a witness in the state, he or she may be compelled to appear and testify in the same manner and by the same process as may be employed for the purpose of taking testimony in actions pending in the state. The supreme court or a county court shall make any appropriate order in aid of taking such a deposition; provided that no order may be issued under this section in connection with an out-of-state proceeding relating to any abortion services or procedures which were legally performed in this state, unless such out-of-state proceeding (1) sounds in tort or contract, or is based on statute, (2) is actionable, in an equivalent or similar manner, under the laws of this state, and (3) was brought by the patient who received reproductive healthcare, or the patient's legal representative, or a party with a contractual relationship with the person who is the subject of the requested subpoena.

§ 6. Severability. If any provision of this act, or any application of any provision of this act, is held to be invalid, that shall not affect the validity or effectiveness of any other provision of this act, any other application of any provision of this act, or any other provision of any law or code amended by this act.

§ 7. This act shall take effect immediately.