

STATE OF NEW YORK

9077--A

IN SENATE

May 6, 2022

Introduced by Sens. KRUEGER, CLEARE, COONEY, GIANARIS, GOUNARDES, HOYLMAN, JACKSON, KAPLAN, LIU, MAY, MAYER, RIVERA, SEPULVEDA, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

3 § 570.17 Extradition of abortion providers.

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

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

12 3-a. A police officer may not arrest any person for performing or
13 aiding in the performance of an abortion within this state, or in
14 procuring an abortion in this state, if the abortion is performed in
15 accordance with the provisions of article twenty-five-A of the public
16 health law or any other applicable law of this state.

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

19 § 837-w. Cooperation with certain out-of-state investigations. No
20 state or local law enforcement agency shall cooperate with or provide
21 information to any individual or out-of-state agency or department
22 regarding the provision of a lawful abortion performed in this state.
23 Nothing in this section shall prohibit the investigation of any criminal
24 activity in this state which may involve the performance of an abortion,

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

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1 provided that no information relating to any medical procedure performed
2 on a specific individual may be shared with an out-of-state agency or
3 any other individual. Nothing in this section shall prohibit compliance
4 with a valid, court-issued subpoena or warrant.

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

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

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

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

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

41 § 7. This act shall take effect immediately.