

STATE OF NEW YORK

1522

2021-2022 Regular Sessions

IN ASSEMBLY

January 11, 2021

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to issuance of a warrant of arrest when a criminal action has been commenced in a local criminal court by the filing of a simplified information

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

1 Section 1. Subdivision 1 of section 120.20 of the criminal procedure
2 law, as amended by chapter 506 of the laws of 2000, the opening para-
3 graph as amended by section 12 of part WWW of chapter 59 of the laws of
4 2017, is amended to read as follows:

5 1. When a criminal action has been commenced in a local criminal court
6 or youth part of the superior court by the filing therewith of an accu-
7 satory instrument, other than a simplified [~~traffic~~] information,
8 against a defendant who has not been arraigned upon such accusatory
9 instrument and has not come under the control of the court with respect
10 thereto:

11 (a) such court may, if such accusatory instrument is sufficient on its
12 face, issue a warrant for such defendant's arrest; or

13 (b) if such accusatory instrument is not sufficient on its face as
14 prescribed in section 100.40, and if the court is satisfied that on the
15 basis of the available facts or evidence it would be impossible to draw
16 and file an accusatory instrument that is sufficient on its face, the
17 court must dismiss the accusatory instrument.

18 § 2. This act shall take effect on the first of November next succeed-
19 ing the date on which it shall have become a law.

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

LBD00215-01-1