

STATE OF NEW YORK

1005

2023-2024 Regular Sessions

IN ASSEMBLY

January 12, 2023

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

AN ACT to amend the criminal procedure law and the executive law, in relation to protections against the arrest and extradition of abortion providers

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

Section 1. Section 570.17 of the criminal procedure law, as added by a chapter of the laws of 2022 amending the criminal procedure law, the executive law and the civil practice law and rules relating to protection of abortion service providers, as proposed in legislative bills numbers S. 9077-A and A. 10372-A, is amended to read as follows:

§ 570.17 Extradition of abortion providers.

No demand for the extradition of a person [~~charged with providing an abortion~~] subject to criminal liability that is in whole or in part based on the alleged provision or receipt of, assistance in provision or receipt of, material support for, or any theory of vicarious, joint, several or conspiracy liability for reproductive health care services lawfully performed in New York 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 crime, and that thereafter he, she or they fled from that state.

§ 2. Subdivision 3-a of section 140.10 of the criminal procedure law, as added by a chapter of the laws of 2022 amending the criminal procedure law, the executive law and the civil practice law and rules relating to protection of abortion service providers, as proposed in legislative bills numbers S. 9077-A and A. 10372-A, is amended 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[~~-~~] that is

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

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1 performed in accordance with the applicable law of this state, for seek-
2 ing to end, or ending, or aiding another in ending their pregnancy with-
3 in this state, or [~~in~~] for procuring or aiding in the procurement of an
4 abortion [~~in~~] within this state[, ~~if the abortion is performed in~~
5 ~~accordance with the provisions of article twenty-five-A of the public~~
6 ~~health law or any other applicable law of this state~~].

7 § 3. Section 837-w of the executive law, as added by a chapter of the
8 laws of 2022 amending the criminal procedure law, the executive law and
9 the civil practice law and rules relating to protection of abortion
10 service providers, as proposed in legislative bills numbers S. 9077-A
11 and A. 10372-A, is amended to read as follows:

12 § 837-w. Cooperation with certain out-of-state investigations. No
13 state or local law enforcement agency shall cooperate with or provide
14 information to any individual or out-of-state agency or department
15 [~~regarding the provision of a lawful~~] related to the performance or
16 aiding in the performance of an abortion [~~performed in~~] within this
17 state that is performed in accordance with the applicable law of this
18 state, ending, seeking to end, or aiding another in ending their preg-
19 nancy within this state, or procuring or aiding in the procurement of an
20 abortion within this state. Nothing in this section shall prohibit the
21 investigation of any criminal activity in this state which may involve
22 the performance of an abortion, provided that no information relating to
23 any medical procedure performed on a specific individual may be shared
24 with an out-of-state agency or any other individual. Nothing in this
25 section shall prohibit compliance with a valid, court-issued subpoena or
26 warrant.

27 § 4. This act shall take effect on the same date and in the same
28 manner as a chapter of the laws of 2022 amending the criminal procedure
29 law, the executive law and the civil practice law and rules relating to
30 protection of abortion service providers, as proposed in legislative
31 bills numbers S. 9077-A and A. 10372-A, takes effect.