STATE OF NEW YORK

1439

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

Introduced by M. of A. SIMON, ZINERMAN, DICKENS, STECK, BURGOS, CRUZ, DAVILA -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to jury deliberations

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

Section 1. This act shall be known and may be cited as the "Tiarah Poyau Act".

§ 2. Section 310.30 of the criminal procedure law, as amended by chapter 208 of the laws of 1980, is amended to read as follows:

§ 310.30 Jury deliberation; request for information.

At any time during its deliberation, the jury may request the court for further instruction or information with respect to the law, with respect to the content or substance of any trial evidence, or with respect to any other matter pertinent to the jury's consideration of the case. Upon such a request, the court must direct that the jury be returned to the courtroom and, after notice to both the people and counsel for the defendant, and in the presence of the defendant, must give such requested information or instruction as the court deems proper. With the consent of the parties and upon the request of the jury for further instruction with respect to a statute, the court may also give to the jury copies of the text of any statute which, in its discretion, the court deems proper. **In addition, where the jury requests written instructions regarding the elements of any offense submitted, or of any defense or affirmative defense submitted in relation thereto, the court may provide the jury with such written instructions as the jury has requested and the court deems proper. Before giving to the jury such written instructions regarding the elements of any offense or of any defense or affirmative defense pursuant to this section, the court shall permit counsel to examine such written instructions, shall afford counsel an opportunity to be heard, shall mark such written instructions as a court exhibit and shall read the instructions to the jury.**

§ 3. This act shall take effect on the one hundred twentieth day after it shall have become a law.

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

LBD01738-01-3